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Rebecca McDowell Cook

Secretary of State

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RULES—Cite material in the *Missouri Register* by volume and page number, for example, Vol. 24, *Missouri Register*, page 27. The approved short form of citation is 24 MoReg 27.

The rules are codified in the *Code of State Regulations* in this system—

Title	***Code of State Regulations***	**Division**	**Chapter**	**Rule**
1	CSR	10-	1.	010
Department		Agency, Division	General area regulated	Specific area regulated

They are properly cited by using the full citation , i.e., 1 CSR 10-1.010.

Each department of state government is assigned a title. Each agency or division in the department is assigned a division number. The agency then groups its rules into general subject matter areas called chapters and specific areas called rules. Within a rule, the first breakdown is called a section and is designated as (1). Subsection is (A) with further breakdown into paragraph 1., subparagraph A., part (I), subpart (a), item I. and subitem a.

RSMo—Cite material in the RSMo by date of legislative action. The note in parentheses gives the original and amended legislative history. The Office of the Revisor of Statutes recognizes that this practice gives users a concise legislative history.

Rules appearing under this heading are filed under the authority granted by section 536.025, RSMo Supp. 1999. An emergency rule may be adopted by an agency if the agency finds that an immediate danger to the public health, safety or welfare, or a compelling governmental interest requires emergency action; follows procedures best calculated to assure fairness to all interested persons and parties under the circumstances; follows procedures which comply with the protections extended by the *Missouri* and the *United States Constitutions*; limits the scope of such rule to the circumstances creating an emergency and requiring emergency procedure, and at the time of or prior to the adoption of such rule files with the secretary of state the text of the rule together with the specific facts, reasons and findings which support its conclusion that there is an immediate danger to the public health, safety or welfare which can be met only through the adoption of such rule and its reasons for concluding that the procedure employed is fair to all interested persons and parties under the circumstances.

Rules filed as emergency rules may be effective not less than ten days after filing or at such later date as may be specified in the rule and may be terminated at any time by the state agency by filing an order with the secretary of state fixing the date of such termination, which order shall be published by the secretary of state in the *Missouri Register* as soon as practicable.

All emergency rules must state the period during which they are in effect, and in no case can they be in effect more than 180 calendar days or 30 legislative days, whichever period is longer. Emergency rules are not renewable, although an agency may at any time adopt an identical rule under the normal rulemaking procedures.

Title 1—OFFICE OF ADMINISTRATION
Division 10—Commissioner of Administration
Chapter 15—Cafeteria Plan

EMERGENCY AMENDMENT

1 CSR 10-15.010 Cafeteria Plan. The Office of Administration is amending the rule on the cafeteria plan by amending section (2) and changing Appendix A, section 3.01, Appendix C, section 6.01, and section 6.03.

PURPOSE: This rule is being amended to comply with new COBRA regulations.

*EMERGENCY STATEMENT: This emergency rule is necessary to preserve a compelling government interest that requires an early effective date. Without this amendment, the Missouri State Employees' Cafeteria Plan would not be in compliance with the **Internal Revenue Code**. Therefore, this employee benefit plan, with $45,600,000 in contributions (CY 1999), would be at risk of being retroactively eliminated. Any disruption in the application of this plan would create serious tax implications for the plan's 26,000 participants, since taxes would be owed on the amount contributed to the plan while authorization was suspended. Therefore, it is of considerable compelling government interest that the Missouri Cafeteria Plan not be put in jeopardy of being eliminated and thus depriving the 26,000 employees and their families of this benefit. This new rule also follows procedures best calculated to assure fairness to all interested parties under the circumstances. This emergency rule is limited in scope to the circumstances creating this emergency and complies with the protection extended by the **Missouri** and **United States Constitutions**. Emergency amendment filed December 15, 1999, effective January 1, 2000, expires June 28, 2000.*

PUBLISHER'S NOTE: The publication of the full text of the material that the adopting agency has incorporated by reference in this rule would be unduly cumbersome or expensive. Therefore, the full text of that material will be made available to any interested person at both the Office of the Secretary of State and the office of the adopting agency, pursuant to section 536.031.4, RSMo. Such material will be provided at the cost established by state law.

(2) The commissioner of administration shall maintain the cafeteria plan, the dependent care assistance plan and the flexible medical benefits plan, in written form, denominated as the Missouri State Employees' Cafeteria Plan (Appendix A), the Missouri State Employees' Dependent Care Assistance Plan (Appendix B) and the Missouri State Employees' Flexible Medical Benefits Plan (Appendix C)**, which are incorporated in this rule by reference,** for Plan Year 1998 and years following.

*AUTHORITY: section 33.103, RSMo [Supp. 1998] **Supp. 1999**. Original rule filed March 15, 1988, effective June 1, 1988. For intervening history, please consult the **Code of State Regulations**. Emergency amendment filed Dec. 15, 1999, effective Jan. 1, 2000, expires June 28, 2000.*

APPENDIX A
MISSOURI STATE EMPLOYEES' CAFETERIA PLAN

The State of Missouri through the Office of Administration hereby amends and restates the Missouri State Employees' Cafeteria Plan (hereinafter called the MSECP) effective January 1, *[1999]* **2000**. The MSECP shall be in the form of a trust established by the State of Missouri for public employees of the state who participate in the MSECP. The provisions of the MSECP, as set forth in this document and the attendant documents for the Missouri State Employees' Dependent Care Assistance Plan (Appendix B, hereinafter called the MSEDCAP) and the Missouri State Employees' Flexible Medical Benefits Plan (Appendix C, hereinafter called the MSEFMBP), shall be applicable to each employee of the State of Missouri who elects to participate in the MSECP beginning with Plan Year *[1999]* **2000**.

ARTICLE THREE
ELIGIBILITY AND PARTICIPATION

3.01 The MSECP does not apply to any individual who terminated employment with the employer prior to the effective date of this amended and restated MSECP (January 1, *[1999]* **2000**) unless such individual becomes reemployed by the employer on or after such effective date.

APPENDIX C
MISSOURI STATE EMPLOYEES' FLEXIBLE MEDICAL BENEFITS PLAN

ARTICLE SIX
CONTINUATION COVERAGE

6.01 In accordance with Section 42 *United States Code* 300bb, and notwithstanding any other provision in the MSEFMBP, a participant or his/her spouse or dependent may **be eligible to** elect to continue the coverage *[elected]* under the MSEFMBP though the

participant's election to receive benefits expired or was terminated, under the following circumstances:

(a) Death of the participant;

(b) Termination (other than for gross misconduct) or reduction of hours of the participant;

(c) Divorce or legal separation of the participant; and

(d) A dependent child ceasing to be a dependent child under the terms of this plan.

The right to continuation coverage shall only be available if on the date of the qualifying event the participant's remaining benefits for the current plan year are greater than the participant's remaining premium payments.

6.03 A premium may be charged to the participant, spouse or dependent, as the case may be, for any period of continuation coverage equal to not more than one hundred two percent (102%) of the cost of providing coverage for the period to similarly situated participants, spouses or dependents. Any additional premium amount in excess of one hundred percent (100%) of the cost of providing coverage for the period to similarly situated participants, spouses or dependents, shall not be credited to the participant's account and shall be treated as an additional administrative charge. *[Continuation coverage will extend for a period of not more than thirty-six (36) months (eighteen (18) months if the participant terminates or is terminated from employment or reduces or has his/her hours reduced so as no longer to be a participant) but may extend for a shorter period of time if:*

(a) The employer ceases to provide any group health plan to any employee;

(b) The premiums described above are not paid within thirty (30) days of their due date; or

(c) A party electing continuation coverage becomes covered under another group health plan or entitled to Medicare benefits. Continuation coverage shall be provided in accordance with the requirements of Section 42 U.S.C. 300bb, all of which requirements are incorporated herein by reference.] **Continuation coverage will not extend beyond the end of the current plan year. However, coverage may terminate earlier if:**

(a) The employer ceases to provide any medical reimbursement plan to any employee;

(b) The premiums described above are not paid within thirty (30) days of their due date; or

(c) A party electing continuation coverage becomes covered under another group health plan or entitled to Medicare benefits.

Continuation coverage shall be provided in accordance with the requirements of Section 42 U.S.C. 300bb, all of which requirements are incorporated herein by reference.

Title 8—DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS
Division 20—Missouri Commission on Human Rights
Chapter 3—Guidelines and Interpretation of Employment Anti-Discrimination Laws

ORDER TERMINATING EMERGENCY RULE

By the authority vested in the Missouri Commission on Human Rights under sections 213.030(6) and 213.075.3, RSMo Supp. 1999, the commission terminates an emergency amendment as follows:

8 CSR 60-3.040 Employment Practices Related to Men and Women **is terminated**.

A notice of emergency rulemaking containing the text of the emergency amendment was published in the *Missouri Register* on October 15, 1999 (24 MoReg 2565). This emergency amendment is terminated effective December 29, 1999.

Title 12—DEPARTMENT OF REVENUE
Division 10—Director of Revenue
Chapter 3—State Sales Tax

EMERGENCY AMENDMENT

12 CSR 10-3.460 Return Required. The director proposes to amend section (2).

PURPOSE: The purpose of this amendment is to change the threshold for monthly filers.

EMERGENCY STATEMENT: The director of revenue is authorized by statute to administer sales tax and establish filing frequency thresholds. This emergency amendment is necessary to ensure public awareness of administrative changes, which is beneficial and necessary to good tax compliance. This emergency amendment is necessary to preserve a compelling governmental interest requiring an early effective date, in that the amendment changes the filing frequency thresholds for monthly filers which will affect the taxpayers filing and remitting of their sales tax returns. The director finds that there is an immediate danger to the public welfare, which can only be addressed through this emergency amendment. The director has followed procedures calculated to assure fairness to all interested persons and parties and has complied with the protections extended by the ***Missouri*** *and* ***United States Constitutions****. The director has limited the scope of the emergency amendment to the circumstances creating the emergency. Emergency amendment filed December 15, 1999, effective January 1, 2000, expires June 28, 2000.*

(2) If state sales tax collections exceed *[two hundred fifty dollars ($250)]* **five hundred dollars ($500)** in one (1) calendar month, the business is required to report and remit the tax for this month by the twentieth of the following month. Each month stands on its own and the *[two hundred fifty dollars ($250)]* **five hundred dollars ($500)** is not a cumulative total. In completing the return for a calendar quarter in which a monthly return has been filed, tax should be computed and shown only for the months not filed previously. The months covered by the return and the month previously filed must be clearly stated on the return.

AUTHORITY: section 144.270, RSMo 1994. S.T. regulation 080-5 was last filed Dec. 31, 1975, effective Jan. 10, 1976. Refiled March 30, 1976. Amended: Filed Aug. 13, 1980, effective Jan. 1, 1981. Emergency amendment filed Dec. 15, 1999, effective Jan. 1, 2000, expires June 28, 2000.

Title 22—MISSOURI CONSOLIDATED HEALTH CARE PLAN
Division 10—Health Care Plan
Chapter 2—Plan Options

ORDER TERMINATING EMERGENCY AMENDMENT

By the authority vested in the board of trustees of the Missouri Consolidated Health Care Plan under section 103.059, RSMo 1994, the board hereby terminates an emergency amendment effective January 14, 2000.

22 CSR 10-2.040 Indemnity Plan Summary of Medical Benefits **is terminated**.

A notice of emergency rulemaking containing the text of the emergency amendment was published in the *Missouri Register* on January 3, 2000 (25 MoReg 8–9). A new rule regarding Indemnity Plan Summary of Medical Benefits will become effective on January 14, 2000. Therefore, in order to avoid having two amendments regarding 22 CSR 10-2.040 effective at the same time, the MCHCP will terminate the emergency amendment effective January 14, 2000.

Title 22—MISSOURI CONSOLIDATED HEALTH CARE PLAN
Division 10 —Health Care Plan
Chapter 2—Plan Options

EMERGENCY AMENDMENT

22 CSR 10-2.040 Indemnity Plan Summary of Medical Benefits. The board is amending sections (1), (3), (4), (7) and (9).

PURPOSE: The amendment includes changes made by the board of trustees regarding medical benefits for participants in the Missouri Consolidated Health Care Plan.

*EMERGENCY STATEMENT: This rule has a variety of changes from the current regulation. It must be in place by January 14, 2000, in accordance with the renewal of our current contracts. Therefore, this rule is necessary to protect members (employees, retirees and their families) enrolled in the Missouri Consolidated Health Care Plan (MCHCP) from the unintended consequences of having their health insurance coverage interrupted due to confusion regarding eligibility or availability of benefits. Further, it clarifies responsibility for eligible charges, beginning with the first day of coverage for the new plan year. It also provides further direction for appeals related to the operation of the plan. Many of these changes are required by either federal or state law. It may also help ensure that inappropriate claims are not made against the state and help protect the MCHCP and its members from being subjected to unexpected and significant financial liability and/or litigation. It is imperative that this rule be registered immediately in order to maintain the integrity of the current health care plan. This emergency amendment must become effective January 14, 2000, in order that an immediate danger is not imposed on the public welfare. This rule reflects changes made to the plan by the Missouri Consolidated Health Care Plan Board of Trustees. This emergency amendment complies with the protections extended by the **Missouri** and **United States Constitutions** and limits its scope to the circumstances creating the emergency. This emergency amendment is calculated to assure fairness to all interested persons and parties under the circumstances. Emergency amendment filed January 4, 2000, becomes effective January 14, 2000, and expires on June 28, 2000.*

(1) Lifetime maximum, *[one (1)]* **three (3)** million dollars.

(3) Deductible Amount—Per individual for the indemnity plan *[and the limited indemnity plan]* each calendar year, three hundred dollars ($300), family limit each calendar year, nine hundred dollars ($900).

(4) *[Copayment]* **Coinsurance**.

(C) *[Limited Indemnity Plan]* **Non-Network Services**—Same as subsections (4)(A) and (B), except covered charges are reimbursed on a seventy percent (70%) basis.

(7) *[Health Check]* **Clinical Management**—Certain benefits are subject to a utilization review (UR) program. The program consists of four (4) parts, as described in the following:

(9) Prescription Drug Program—The indemnity plan provides *[a carve-out program for prescription drugs. The program consists of]* coverage for maintenance and nonmaintenance medications, as described in the following:

[(A) Nonmaintenance Medications—For those prescription drugs needed for short-term use only, the member will be responsible for twenty percent (20%) of a discounted rate after satisfaction of the twenty-five dollar ($25) individual deductible (seventy-five dollars ($75) maximum family deductible).

1. The prescription must be written for less than a thirty (30)-day supply.

2. If the member chooses a brand name medication when there is a generic available, s/he will be responsible for twenty percent (20%) of the generic medication's cost (after satisfaction of the deductible), as well as the difference between the cost of the brand name medication and the generic medication. This difference does not apply to the out-of-pocket maximum. This provision does not apply if the doctor has indicated on the prescription that the brand name is necessary.

(B) Maintenance Medications—For those medications listed on the maintenance medication list, as determined by the claims administrator, the member will be responsible for a fifteen-dollar ($15) copayment for each brand name medication and a five-dollar ($5) copayment for each generic medication.

1. The prescription must be written for a thirty to ninety (30–90)-day supply.

2. Maintenance medications may be purchased from either a participating local pharmacy or the mail order facility.

3. Unless an exception is approved by the drug/claims administrator for a medically necessary reason, oral contraceptives must be obtained from an approved formulary list.

(C) Out-of-Pocket Maximum—There is a maximum out-of-pocket (including deductibles) of four hundred dollars ($400) per individual, with a maximum family out-of-pocket of twelve hundred dollars ($1,200). The out-of-pocket maximum applies to both maintenance and nonmaintenance medications. Once a member has reached the four hundred dollar ($400)-maximum his/her covered drugs will be covered at 100% for the remainder of the calendar year.]

(A) Non-Maintenance Medications—

1. In-Network

A. $5 Copay for 30-day supply for generic drug on the formulary

B. $15 Copay for 30-day supply for brand drug on the formulary

C. $25 Copay for 30-day supply for non-formulary drug

2. Non-Network—The deductible will apply. After satisfaction of the deductible, claims will be paid at 50% coinsurance. Charges will not be applied to the out-of-pocket maximum.

(B) Maintenance Medications—Prescriptions may be filled through a mail order program for up to a 90-day supply for twice the regular copayment for a drug on the maintenance list.

[(D)] **(C)** Nonparticipating Pharmacies—If a member chooses to use a nonparticipating pharmacy, s/he will be required to pay the full cost of the prescription, then file a claim with the prescription drug administrator. S/He will be reimbursed the amount that would

have been allowed at a participating pharmacy, less any applicable deductibles or coinsurance. Any difference between the amount paid by the member at a nonparticipating pharmacy and the amount that would have been allowed at a participating pharmacy will not be applied to the out-of-pocket maximum.

AUTHORITY: section 103.059, RSMo 1994. Emergency rule filed Dec. 16, 1993, effective Jan. 1, 1994, expired April 30, 1994. Emergency rule filed April 4, 1994, effective April 14, 1994, expired Aug. 11, 1994. Original rule filed Dec. 16, 1993, effective July 10, 1994. For intervening history, please consult the ***Code of State Regulations****. Emergency amendment filed Dec. 6, 1999, effective Jan. 1, 2000, terminated Jan. 14, 2000. Amended: Filed Dec. 6, 1999. Emergency amendment filed Jan. 4, 2000, effective Jan. 14, 2000, expires June 28, 2000.*

Title 22—MISSOURI CONSOLIDATED HEALTH CARE PLAN
Division 10—Health Care Plan
Chapter 2—Plan Options

ORDER TERMINATING EMERGENCY AMENDMENT

By the authority vested in the board of trustees of the Missouri Consolidated Health Care Plan under section 103.059, RSMo, 1994 the board hereby terminates an emergency amendment effective January 14, 2000.

22 CSR 10-2.063 HMO/POS/POS98 Summary of Medical Benefits **is terminated**.

A notice of emergency rulemaking containing the text of the emergency amendment was published in the *Missouri Register* on January 3, 2000 (25 MoReg 12–13). A new rule regarding HMO/POS/POS98 Summary of Medical Benefits will become effective on January 14, 2000. Therefore, in order to avoid having two amendments regarding 22 CSR 10-2.063 effective at the same time, the MCHCP will terminate the emergency amendment effective January 14, 2000.

Title 22—MISSOURI CONSOLIDATED HEALTH CARE PLAN
Division 10—Health Care Plan
Chapter 2—Plan Options

EMERGENCY AMENDMENT

22 CSR 10-2.063 HMO/POS/POS98 Summary of Medical Benefits. The board is amending subsection (1)(Z).

PURPOSE: The amendment includes changes made by the board of trustees regarding the medical benefits of the HMO/POS and POS98 plans in the Missouri Consolidated Health Care Plan Indemnity Plan.

EMERGENCY STATEMENT: This rule has a variety of changes from the current regulation. It must be in place by January 14, 2000, in accordance with the renewal of our current contracts. Therefore, this rule is necessary to protect members (employees, retirees and their families) enrolled in the Missouri Consolidated Health Care Plan (MCHCP) from the unintended consequences of having their health insurance coverage interrupted due to confusion regarding eligibility or availability of benefits. Further, it clarifies responsibility for eligible charges, beginning with the first day of coverage for the new plan year. It also provides further direction for appeals related to the operation of the plan. Many of these changes are required by either federal or state law. It may also help ensure that inappropriate claims are not made against the state and help protect the MCHCP and its members from being subjected to unexpected and significant financial liability and/or litigation. It is imperative that this rule be registered immediately in order to maintain the integrity of the current health care plan. This emergency amendment must become effective January 14, 2000, in order that an immediate danger is not imposed on the public welfare. This rule reflects changes made to the plan by the Missouri Consolidated Health Care Plan Board of Trustees. This emergency amendment complies with the protections extended by the ***Missouri*** *and* ***United States Constitutions*** *and limits its scope to the circumstances creating the emergency. This emergency amendment is calculated to assure fairness to all interested persons and parties under the circumstances. Emergency amendment filed January 4, 2000, becomes effective January 14, 2000, and expires on June 28, 2000.*

(1) Covered Charges.

(Z) Prescription Drugs—*[Maximum thirty (30)-day supply, five dollar ($5) copayment.]* Insulin, syringes, test strips and glucometers are included in this coverage. *[Additional restrictions may apply for use of nonformulary medication with HMO/POS. POS98 lessor of twenty dollar ($20) copayment or cost of drug for nonformulary drug.]* **There is no out-of-pocket maximum. Member is responsible only for the lessor of the applicable co-payment or the cost of the drug.**

$5 Copay for 30-day supply for generic drug on the formulary
$15 Copay for 30-day supply for brand drug on the formulary
$25 Copay for 30-day supply for non-formulary drug

AUTHORITY: section 103.059, RSMo 1994. Emergency rule filed Dec. 21, 1994, effective Jan. 1, 1995, expired April 30, 1995. Emergency rule filed April 13, 1995, effective May 1, 1995, expired Aug. 28, 1995. Original rule filed Dec. 21, 1994, effective June 30, 1995. For intervening history, please consult the ***Code of State Regulations.*** *Emergency amendment filed Dec. 6, 1999, effective Jan. 1, 2000, terminated Jan. 14, 2000. Amended: Filed Dec. 6, 1999. Emergency amendment filed Jan. 4, 2000, effective Jan. 14, 2000, expires June 28, 2000.*

Under this heading will appear the text of proposed rules and changes. The notice of proposed rulemaking is required to contain an explanation of any new rule or any change in an existing rule and the reasons therefor. This is set out in the Purpose section with each rule. Also required is a citation to the legal authority to make rules. This appears following the text of the rule, after the word "Authority."

Entirely new rules are printed without any special symbology under the heading of the proposed rule. If an existing rule is to be amended or rescinded, it will have a heading of proposed amendment or proposed rescission. Rules which are proposed to be amended will have new matter printed in boldface type and matter to be deleted placed in brackets.

An important function of the *Missouri Register* is to solicit and encourage public participation in the rulemaking process. The law provides that for every proposed rule, amendment or rescission there must be a notice that anyone may comment on the proposed action. This comment may take different forms.

If an agency is required by statute to hold a public hearing before making any new rules, then a Notice of Public Hearing will appear following the text of the rule. Hearing dates must be at least 30 days after publication of the notice in the *Missouri Register.* If no hearing is planned or required, the agency must give a Notice to Submit Comments. This allows anyone to file statements in support of or in opposition to the proposed action with the agency within a specified time, no less than 30 days after publication of the notice in the *Missouri Register*.

An agency may hold a public hearing on a rule even though not required by law to hold one. If an agency allows comments to be received following the hearing date, the close of comments date will be used as the beginning day in the 90-day-count necessary for the filing of the order of rulemaking.

If an agency decides to hold a public hearing after planning not to, it must withdraw the earlier notice and file a new notice of proposed rulemaking and schedule a hearing for a date not less than 30 days from the date of publication of the new notice.

Proposed Amendment Text Reminder:
Boldface text indicates new matter.
[Bracketed text indicates matter being deleted.]

Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 60—Public Drinking Water Program
Chapter 2—Definitions

PROPOSED AMENDMENT

10 CSR 60-2.015 Definitions. The commission is amending subsections (2)(E)–(H), (2)(M) and (2)(T).

PURPOSE: This amendment adopts federal definitions from the Interim Enhanced Surface Water Treatment Rule and the Disinfection Byproducts Rule, published in the December 16, 1998 ***Federal Register****. The federal rule, guidance and fact sheets are available at most public libraries and on the Internet at http://www.epa.gov/safewater/mdbp/implement.html.*

(2) Definitions.

(E) Terms beginning with the letter E.

1. Effective corrosion inhibitor residual. For the purpose of the lead and copper provisions of these rules, a concentration sufficient to form a protective film on the interior walls of a pipe.

2. Engineer. An individual registered as a professional engineer in Missouri.

3. Enhanced coagulation. The addition of sufficient coagulant for improved removal of disinfection byproduct precursors by conventional filtration treatment.

4. Enhanced softening. The improved removal of disinfection byproduct precursors by precipitative softening.

(F) Terms beginning with the letter F.

1. Facility. A single tract or contiguous tracts of land and any improvements on them, upon which one (1) or more service connections are located, and which, except for easements and public right-of-way, are wholly owned, leased or otherwise subject to the control of the customer.

2. Filter profile. A graphical representation of individual filter performance, based on continuous turbidity measurements or total particle counts versus time for an entire filter run, from startup to backwash inclusively, that includes an assessment of filter performance while another filter is being backwashed.

[2.] **3.** Filtration. A process for removing particulate matter from water by passage through porous media.

4. Finished water storage facility. A tank, reservoir, or other man-made facility used to store potable water that will undergo no further treatment except residual disinfection.

[3.] **5.** First draw sample. A one (1) liter sample of tap water, collected in accordance with the lead and copper provisions of these rules only, that has been standing in plumbing pipes at least six (6) hours and is collected without flushing the tap.

[4.] **6.** Flocculation. A process to enhance the collection of smaller floc particles into larger, more easily settleable particles through gentle stirring by hydraulic or mechanical means.

(G) Terms beginning with the letter G.

1. GAC10. Granular activated carbon filter beds with an empty-bed contact time of ten (10) minutes based on average daily flow and a carbon reactivation frequency of every one hundred eighty (180) days.

[1.] **2.** Gross alpha particle activity. The total radioactivity due to alpha particle emission as inferred from measurements on a dry sample.

[2.] **3.** Gross beta particle activity. The total radioactivity due to beta particle emission as inferred from measurements on a dry sample.

[3.] **4.** Groundwater under the direct influence of surface water. Any water beneath the surface of the ground with either of the following:

A. Significant and relatively rapid shifts in water characteristics such as turbidity, temperature, conductivity or pH which closely correlate to climatological or surface water conditions. Direct influence must be determined for individual sources in accordance with criteria established by the department. The department's determination of direct influence may be used on site-specific measurements of water quality or documentation of well construction characteristics, or both, and geology with field evaluation; or

B. Significant occurrence of insects or other *[micro]* **macro**organisms, algae or large-diameter pathogens such as *Giardia lamblia* **or, for systems using surface water or groundwater under the influence of surface water and serving at least ten thousand (10,000) people,** ***Cryptosporidium***.

(H) Terms beginning with the letter H. *[Reserved]*

1. Haloacetic acids (five) (HAA5). The sum of the concentrations in milligrams per liter of the haloacetic acid compounds (monochloroacetic acid, dichloroacetic acid, trichloroacetic acid, monobromoacetic acid, and dibromoacetic acid), rounded to two (2) significant figures after addition.

(M) Terms beginning with the letter M.

1. Man-made beta particle and photon emitters. All radionuclides emitting beta particles, photons, or both, except the daughter products of thorium 232, uranium 235 and uranium 238, listed in Maximum Permissible Body Burdens and *Maximum Permissible Concentrations of Radionuclides in Air or Water for Occupational Exposure,* National Bureau of Standards Handbook 69.

2. Maximum contaminant level (MCL). The maximum permissible level, as established in 10 CSR 60-4, of a contaminant in any water which is delivered to any user of a public water system.

3. Maximum contaminant level goal (MCLG). A level of a contaminant in drinking water at which no known or anticipated adverse effect on the health of persons would occur and which allows an adequate margin of safety. MCLGs are nonenforceable health goals.

4. Maximum residual disinfectant level (MRDL). A level of a disinfectant that may not be exceeded at the consumer's tap without an unacceptable possibility of adverse health effects.

5. Maximum residual disinfectant level goal (MRDLG). The maximum level of a disinfectant added for water treatment at which no known or anticipated adverse effect on the health of persons would occur, and which allows an adequate margin of safety. MRDLGs are nonenforceable health goals and do not reflect the benefit of the addition of the chemical for control of waterborne microbial contaminants.

[4.] **6.** Maximum total trihalomethane potential (MTTHMP). The maximum concentration of total trihalomethanes produced in a given water containing a disinfectant residual after seven (7) days at a temperature of twenty-five degrees Celsius (25°C) or above.

[5.] **7.** Missouri Safe Drinking Water *[Act]* **Law**. The *Revised Statutes of Missouri*, sections 640.100*[, 640.105, 640.110, 640.115, 640.120, 640.125, 640.130, 640.135 and]* **through** 640.140.

(T) Terms beginning with the letter T.

1. Too numerous to count (TNTC). The total number of bacterial colonies exceeds two hundred (200) on a forty-seven millimeter (47 mm) diameter membrane filter used for coliform detection.

2. Total organic carbon (TOC). Total organic carbon in milligrams per liter (mg/l) measured using heat, oxygen, ultraviolet irradiation, chemical oxidants, or combinations of these oxidants that convert organic carbon to carbon dioxide, rounded to two (2) significant figures.

[2.] **3.** Total trihalomethanes (TTHM). The sum of the concentration in mg/l of the trihalomethane compounds, trichloromethane (chloroform), dibromochloromethane, bromodichloromethane and tribromomethane (bromoform), rounded to two (2) significant figures.

[3.] **4.** Transient noncommunity water system. A public water system that is not a community water system, which has at least fifteen (15) service connections or regularly serves an average of at least twenty-five (25) individuals daily at least sixty (60) days out of the year.

[4.] **5.** Treated water. Water which is handled or processed in any manner to change the physical, chemical, biological or radiological content and includes water exposed to the atmosphere by aeration.

[5.] **6.** Trihalomethane (THM). One (1) of the family of organic compounds, named as derivatives of methane, where three (3) of the four (4) hydrogen atoms in methane are each substituted by a halogen atom in the molecular structure.

*AUTHORITY: section 640.100, RSMo [Supp. 1996] **Supp. 1999**. Original rule filed May 4, 1979, effective Sept. 14, 1979. For intervening history, please consult the **Code of State Regulations**. Amended: Filed Dec. 15, 1999.*

PUBLIC COST: This proposed amendment is anticipated to cost state agencies and political subdivisions less than $500 in the aggregate.

PRIVATE COST: This proposed amendment is anticipated to cost private entities less than $500 in the aggregate.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: A public hearing will be held February 22, 2000, at the DNR Conference Center, 1735 Elm Street, Jefferson City, Missouri. The informational meeting and public hearing on the proposed rulemaking will begin at 10:00 a.m. Requests to comment at the public hearing should be sent in advance to the Public Drinking Water Program at the address provided at the end of this notice.

*Anyone may submit comments in support of or in opposition to this proposed amendment. In preparing comments on the proposed amendment, please include the regulatory citation and the **Missouri Register** page number. Please explain why you agree or disagree with the proposed change, and include alternative options or language for consideration by the commission.*

Written comments must be postmarked or received by March 2, 2000. Comments may be mailed, faxed or E-mailed to: Jerry L. Lane, P.E., Director, Public Drinking Water Program, P.O. Box 176, Jefferson City, MO 65102. The fax number is (573) 751-3110. The E-mail address is nrmccal@mail.dnr.state.mo.us.

Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 60—Public Drinking Water Program
Chapter 4—Contaminant Levels and Monitoring

PROPOSED AMENDMENT

10 CSR 60-4.010 Maximum Contaminant Levels and Monitoring Requirements. The commission is amending the purpose statement and section (1), adding a new section (7), and renumbering section (7) to (8).

PURPOSE: This proposed amendment makes editorial corrections to section (1) and adds inspection and sanitary survey requirements for surface water systems.

*PURPOSE: This rule establishes sampling [requirements] and monitoring requirements for public water systems **and criteria for significant deficiencies at surface water systems**.*

(1) The *[accompanying provisions]* **rules in this chapter** contain maximum contaminant levels (MCLs) permissible in public water systems and describe associated monitoring requirements. A supplier of water must collect or have collected samples of the water and shall provide for analysis of these samples for designated contaminants. Nothing in this *[rule]* **chapter** shall preclude a duly designated representative of the department from taking samples or from using the results from the samples to determine compliance by a supplier of water with applicable provisions of these rules.

(7) Inspections and Sanitary Surveys of Surface Water Systems.

(A) Sanitary surveys of all surface water systems and systems using groundwater under the direct influence of surface water will be conducted at least every three (3) years for community systems and every five (5) years for noncommunity systems. Sanitary survey as used in this section (7) means an on-site review, under the supervision of an engineer, of the water source (identifying its sources of contamination using the results of source water assessments where available), facilities, equipment, operation, maintenance, and monitoring compliance, in order to evaluate the adequacy of the system, its sources and operations and the distribution of safe drinking water. It also includes a review of the disinfection profile for systems that are required to comply with disinfection profiling requirements.

(B) For community water systems determined by the department to have no significant deficiencies (for example, defects or inadequacies that increase risk from waterborne disease, such as deficiencies involving the removal, inactivation or reintroduction of pathogens or prevention or removal of chemical contamination) in two (2) consecutive sanitary surveys, the frequency of sanitary surveys may be decreased to once every five (5) years. Upon finding a significant deficiency, the department may return the community water system to the three (3)-year schedule. Public water systems must respond in writing to significant deficiencies outlined in sanitary survey reports no later than forty-five (45) days after receipt of the report. The response must indicate how and on what schedule the system will address significant deficiencies noted in the survey. Failure to respond within forty-five (45) days is a violation. Public water systems shall take necessary steps to address significant deficiencies identified in sanitary survey reports if such deficiencies are within the control of the public water system and its governing body.

(C) The department, at its discretion, may conduct routine inspections of any public water system or make other necessary inspections to determine compliance with these rules. If, after investigation, the department finds that any public water system is incompetently supervised, improperly operated, inadequate, of defective design or if the water fails to meet standards established in 10 CSR 60, the water supplier must implement changes that may be required by the department.

[(7)] **(8)** The provisions of this rule are declared severable. If any fee fixed by this rule is held invalid by a court of competent jurisdiction or by the Administrative Hearing Commission, the remaining provisions of this rule shall remain in full force and effect, unless otherwise determined by a court of competent jurisdiction or by the Administrative Hearing Commission.

*AUTHORITY: section 640.100, RSMo [Supp. 1993] **Supp. 1999**. Original rule filed May 4, 1979, effective Sept. 14, 1979. Amended: Filed April 14, 1981, effective Oct. 11, 1981. Amended: Filed Aug. 13, 1982, effective Jan. 13, 1983. Amended: Filed June 2, 1988, effective Aug. 31, 1988. Amended: Filed Dec. 4, 1990, effective July 8, 1991. Amended: Filed April 14, 1994, effective Nov. 30, 1994. Amended: Filed Dec. 15, 1999.*

PUBLIC COST: This proposed amendment is anticipated to cost the Department of Natural Resources approximately $36,012 annually each year the rule is in effect and 80 publicly-owned public water systems using surface water or groundwater under the direct influence of surface water approximately $1,080 in the aggregate annually each year the rule is in effect. This rule is anticipated to be in effect in perpetuity.

PRIVATE COST: This proposed amendment is anticipated to cost 14 privately-owned public water systems using surface water or groundwater under the direct influence of surface water approximately $188 in the aggregate annually each year the rule is in effect. This rule is anticipated to be in effect in perpetuity.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: A public hearing will be held February 22, 2000, at the DNR Conference Center, 1735 Elm Street, Jefferson City, Missouri. The informational meeting and public hearing on the proposed rulemaking will begin at 10:00 a.m. Requests to comment at the public hearing should be sent in advance to the Public Drinking Water Program at the address provided at the end of this notice.

*Anyone may submit comments in support of or in opposition to this proposed amendment. In preparing comments on the proposed amendment, please include the regulatory citation and the **Missouri Register** page number. Please explain why you agree or disagree with the proposed change, and include alternative options or language for consideration by the commission.*

Written comments must be postmarked or received by March 2, 2000. Comments may be mailed, faxed or E-mailed to: Jerry L. Lane, P.E., Director, Public Drinking Water Program, P.O. Box 176, Jefferson City, MO 65102. The fax number is (573) 751-3110. The E-mail address is nrmccal@mail.dnr.state.mo.us.

FISCAL NOTE
PUBLIC ENTITY COST

I. RULE NUMBER

Title: 10
Division: 60
Chapter: 4
Type of Rulemaking: Proposed Amendment
Rule Number and Name: 10 CSR 60-4.010 Maximum Contaminant Levels and Monitoring Requirements

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Cost of Compliance in the Aggregate
Department of Natural Resources (DNR)	Annualized Aggregate Cost = $36,012
80 Publicly-owned public water systems using surface water	Annualized Aggregate Cost = $1,080
	Total Annualized Aggregate Cost* = $37,092

*Because the rule is anticipated to be in effect in perpetuity, the cost of compliance in the aggregate for the lifetime of the rule cannot be accurately estimated. The total annualized aggregate cost is expected to remain constant for the duration of the rule, except that the cost does not take into account inflationary factors

III. WORKSHEET

MDNR Costs: 0.63 FTE Technical Staff X $57,162 = $ 36,012 staff costs

Water System Costs: .08 X 27 sanitary surveys X $500 = $1,080 costs for correcting significant deficiencies

IV. ASSUMPTIONS

1. The 94 surface water systems affected by this rule will have to have a sanitary survey performed every three years. It is assumed that these sanitary surveys will be performed by DNR technical staff. It is assumed that approximately 1/3 of the 94 surface water supplies will have sanitary surveys each year, which is 31.3 sanitary surveys per year. Experience has shown that it takes roughly 40 hours to complete a sanitary survey. 40 hours per sanitary survey x 31.3 sanitary surveys = 1252 hours or 0.63 FTE

2. DNR average FTE cost including salary, fringe benefits, and equipment and expenses is approximately $57,162 for technical staff. The average annual work hours for an FTE is estimated at 2000 hours.

3. It is estimated that approximately 27 sanitary surveys will be performed per year on publicly-owned public water systems affected by the rule (80 systems / 3 years = 26.6 sanitary surveys per year). It is assumed based on historical data that 8% of the sanitary surveys will detect a significant deficiency at an average cost of $500 to correct.

FISCAL NOTE
PRIVATE ENTITY COST

I. RULE NUMBER

Title: 10
Division: 60
Chapter: 4
Type of Rulemaking: Proposed Amendment
Rule Number and Name: 10 CSR 60-4.010 Maximum Contaminant Levels and Monitoring Requirements

II. SUMMARY OF FISCAL IMPACT

Estimate the number of entities by class which would likely be affected by the adoption of the proposed amendment	Classification by types of the business entities which would likely be affected	Estimate of cost of Compliance in the Aggregate
14	Privately-owned public water systems using surface water as a source of supply	Annualized Aggregate Cost* = $188

*Because the rule is anticipated to be in effect in perpetuity, the cost of compliance in the aggregate for the lifetime of the rule cannot be accurately estimated. The total annualized cost is expected to remain constant for the duration of the rule, except that the cost does not take into account inflationary factors.

III. WORKSHEET

Water System Costs: .08 x 4.7 x $500 = $188

IV. ASSUMPTIONS

This amendment affects public water systems using surface water as a source of supply. It is assumed that the 14 privately-owned public water systems affected by this rule will have a sanitary survey performed every three years. It is assumed that 4.7 sanitary surveys will be performed per year (14 systems / 3 years = 4.7). It is estimated by looking at results of past sanitary surveys that 8% of the sanitary surveys will detect a significant deficiency at a cost of $500 to correct.

Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 60—Public Drinking Water Program
Chapter 4—Contaminant Levels and Monitoring

PROPOSED AMENDMENT

10 CSR 60-4.050 Maximum Turbidity Contaminant Levels and Monitoring Requirements. The commission is adding new sections (1) and (3) and amending sections (1)–(5).

PURPOSE: This proposed amendment adopts the new federal turbidity and filtration requirements established in EPA's Interim Enhanced Surface Water Treatment Rule published in the December 16, 1998 ***Federal Register*** *(63 FR 69478–69520). The federal rule, guidance and fact sheets are available at most public libraries and on the Internet at http://www.epa.gov/safewater/mdbp/implement.html. This amendment encourages smaller water systems to strive to meet the new standards because this is likely to be a future federal requirement. This amendment requires new treatment facilities to be designed to the new standards.*

(1) Applicability.

(A) This rule applies to all public water systems that use surface or ground water under the direct influence of surface water. Requirements and compliance dates vary depending on system size.

(B) The department strongly encourages systems serving less than ten thousand (10,000) people and using surface water or groundwater under the direct influence of surface water to strive to meet the maximum contaminant levels (MCLs) and turbidity standards in section (3) of this rule, since it is likely that federal regulations will require these systems to meet the more stringent standards in 2003.

(C) Beginning on the effective date of this amendment, any water treatment plant proposed for construction or major modification must be designed to meet the turbidity requirements in section (3) of this rule.

(2) Systems Serving Less Than Ten Thousand (10,000) People.

[(1)] **(A)** The *[maximum contaminant levels ([*MCLs*[)]* for turbidity*[, applicable to all public water systems which use surface or ground water under the direct influence of surface water are as follows:]*.

[(A)] **1. The turbidity level must be less than or** *[E]*equal to *[or less than]* 0.5 turbidity units in at least ninety-five percent (95%) of the measurements taken each month*[; and]*.

[(B)] **2. The turbidity level must at no time exceed** *[F]*five (5) turbidity units in any one (1) confirmed measurement.

[(2)] **(B)** The frequency of sampling shall be as set forth in 10 CSR 60-4.080(3).

[(3)] **(C)** If the result of a single turbidity measurement exceeds the MCL established in subsection *[(1)]***(2)**(A), the measurement must be confirmed by resampling, preferably within one (1) hour. The resample result must replace the original sample result for determining compliance with **sub**section *[(1)]***(2)(A)** of this rule.

[(4)] **(D)** If any confirmed sample result exceeds five (5) turbidity units, the supplier of water must notify the department by the end of the next business day and give notice as required by 10 CSR 60-8.010**(1)(A)3**.

[(5)] **(E)** The department, on a case-by-case basis, may allow a system to operate at an MCL for turbidity of 1.0 turbidity units in at least ninety-five percent (95%) of the measurements taken each month if the following criteria are met: the total percent removal and inactivation of *Giardia lamblia* is ninety-nine and nine-tenths percent (99.9%), required treatment is provided, the treatment facilities are properly operated, none of the treatment units are malfunctioning due to mechanical failure or incorrect construction, the system is in compliance with all of the disinfection requirements of 10 CSR 60-4.055**(1)–(4)**, the treatment facilities are providing ninety-nine percent (99%) *Giardia* cyst removal and the system cannot meet the turbidity MCL of 0.5 turbidity units due to raw water quality, iron, manganese or similar compelling factors. The request to operate at the higher turbidity MCL must be made in writing and be accompanied by an engineering report which includes the results of full scale particle or *Giardia* cyst removal studies, operational test data, water analyses results, a report of the sanitary survey of the treatment facilities and any other information that the department may require to assure that the criteria of this rule are met. Approval of the engineering report is the approval to operate at the higher turbidity MCL.

(3) Systems Serving Ten Thousand (10,000) or More People.

(A) The turbidity levels and other requirements in section (2) apply to these systems until December 16, 2001.

(B) Beginning December 16, 2001—

1. Turbidity must be equal to or less than 0.3 turbidity units in at least ninety-five percent (95%) of the measurements taken each month; and

2. There must be no more than one (1) turbidity unit in any one (1) confirmed measurement.

(C) The frequency of sampling shall be as set forth in 10 CSR 60-4.080(3).

(D) If any confirmed sample result exceeds five (5) turbidity units, the supplier of water must notify the department by the end of the next business day and give notice as required by 10 CSR 60-8.010(1)(A)3.

(E) Lime Softening.

1. A system that uses lime softening may acidify representative samples prior to analysis using a protocol approved by the department.

2. Systems that use lime softening may apply to the department for alternative exceedance levels for the levels specified in 10 CSR 60-7.010(7)(B) if they can demonstrate that higher turbidity levels in individual filters are due to lime carryover only and not due to degraded filter performance.

(F) Filtration Technologies Other Than Conventional Filtration Treatment.

1. A public water system may use a filtration technology other than conventional filtration if it demonstrates to the department, using pilot plant studies or other means, that the alternative filtration technology, including direct filtration, in combination with disinfection treatment that meets the requirements of 10 CSR 60-4.055, consistently achieves 99.9 percent removal and/or inactivation of *Giardia lamblia* cysts and 99.99 percent removal and/or inactivation of viruses, and 99 percent removal of *Cryptosporidium* oocysts, and the department approves the use of the filtration technology.

2. For each approval, the department will set turbidity performance requirements that the system must meet at least 95 percent of the time and that the system may not exceed at any time at a level that consistently achieves 99.9 percent removal and/or inactivation of *Giardia lamblia* cysts, 99.99 percent removal or inactivation of viruses, or both, and 99 percent removal of *Cryptosporidium* oocysts.

AUTHORITY: section 640.100, RSMo [(1994)] ***Supp. 1999****. Original rule filed May 4, 1979, effective Sept. 14, 1979. Amended: Filed April 14, 1981, effective Oct. 11, 1981. Amended: Filed July 12, 1991, effective Feb. 6, 1992. Amended: Filed Feb. 1, 1996, effective Oct. 30, 1996. Amended: Filed Dec. 15, 1999.*

PUBLIC COST: This proposed amendment is anticipated to cost 17 publicly-owned public water systems serving 10,000 or more people and using surface water or groundwater under the direct

influence of surface water approximately $720 annually in the aggregate each year the rule is in effect. The rule is anticipated to be in effect in perpetuity.

PRIVATE COST: This proposed amendment is anticipated to cost 5 privately-owned public water systems serving 10,000 or more people and using surface water or groundwater under the direct influence of surface water approximately $240 annually in the aggregate each year the rule is in effect. The rule is anticipated to be in effect in perpetuity.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: A public hearing will be held February 22, 2000, at the DNR Conference Center, 1735 Elm Street, Jefferson City, Missouri. The informational meeting and public hearing on the proposed rulemaking will begin at 10:00 a.m. Requests to comment at the public hearing should be sent in advance to the Public Drinking Water Program at the address provided at the end of this notice.

Anyone may submit comments in support of or in opposition to this proposed amendment. In preparing comments on the proposed amendment, please include the regulatory citation and the ***Missouri Register*** *page number. Please explain why you agree or disagree with the proposed change, and include alternative options or language for consideration by the commission.*

Written comments must be postmarked or received by March 2, 2000. Comments may be mailed, faxed or E-mailed to: Jerry L. Lane, P.E., Director, Public Drinking Water Program, P.O. Box 176, Jefferson City, MO 65102. The fax number is (573) 751-3110. The E-mail address is nrmccal@mail.dnr.state.mo.us.

FISCAL NOTE
PUBLIC ENTITY COST

I. RULE NUMBER

Title: 10
Division: 60
Chapter: 4
Type of Rulemaking: Proposed Amendment
Rule Number and Name: 10 CSR 60-4.050 Maximum Turbidity Levels and Monitoring Requirements

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Cost of Compliance in the Aggregate
Public water systems using surface water as a source of supply and serving 10,000 or more people	Annualized Aggregate Cost* = $720
	Total Annualized Aggregate Cost = $720

*Because the rule is anticipated to be in effect in perpetuity, the cost of compliance in the aggregate for the lifetime of the rule cannot be accurately estimated. The total annualized cost is expected to remain constant for the duration of the rule, except that the cost does not take into account inflationary factors.

III. WORKSHEET

3 MCL violations x 8 hours to resolve @$30/hour = $720

IV. ASSUMPTIONS

There are 17 publicly-owned surface water systems serving a population of 10,000 or more people that will have to meet the more stringent turbidity maximum contaminant levels (MCLs) proposed in this amendment. In looking at data from compliance with the current rule, meeting the new requirements of .3 NTU 95% of the time and a MCL of 1.0 in any single or confirmed measurement should not cause an additional cost to the affected water systems. These systems consistently strive to meet more stringent standards on their own. While these systems can consistently meet the new requirements, current results indicate you can expect a "system upset" periodically. We have assumed 3 MCLs per year with 8 hours for an operator to get the situation under control and voluntarily provide additional data and reports

FISCAL NOTE
PRIVATE ENTITY COST

I. RULE NUMBER

Title:	10
Division:	60
Chapter:	4
Type of Rulemaking:	Proposed Amendment
Rule Number and Name:	10 CSR 60-4.050 Maximum Turbidity Levels and Monitoring Requirements

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the amendment	Classification by type of business entities which would likely be affected by the adoption of the amendment	Estimate Cost of Compliance in the aggregate
5	Privately owned public water systems using surface water as a source of supply and serving a population of 10,000 or more	Annualized Aggregate cost* = $240

*Because the rule in anticipated to be in effect in perpetuity, the cost of compliance in the aggregate for the lifetime of the rule cannot be accurately estimated. The total annualized cost is expected to remain constant for the duration of the rule, except that the estimated cost does not take into account inflationary factors.

III. WORKSHEET

Surface Water System serving 10,000 or more people: 1 MCL X 8 hours @$30/hour = $240

IV. ASSUMPTIONS

There are five privately-owned surface water systems in the Missouri serving a population of 10,000 or more. They will have to meet the more stringent turbidity maximum contaminant levels (MCLs). In looking at data from the current rule, meeting the .3 NTU 95% of the time and a MCL of 1.0 in any single or confirmed measurement should not cause an additional cost to the affected water systems. These systems consistently strive to meet more stringent standards on their own. While these systems can consistently meet the new requirements, current results indicate you can expect a "system upset" periodically. We have assumed 1 MCLs per year with 8 hours for an operator to get the situation under control and voluntarily provide additional data and reports not required by the rule.

Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 60—Public Drinking Water Program
Chapter 4—Contaminant Levels and Monitoring

PROPOSED AMENDMENT

10 CSR 60-4.055 Disinfection Requirements. The commission is amending subsection (2)(D) and adding sections (5) and (6).

PURPOSE: This proposed amendment incorporates additional disinfection requirements for water systems using surface water or groundwater under the influence of surface water and serving at least 10,000 people and adds maximum residual disinfection level requirements.

Detailed information about these requirements is available in the federal Interim Enhanced Surface Water Treatment Rule and Disinfectants/Disinfection Byproducts Rule published in the December 16, 1998 ***Federal Register****. The federal rule, guidance and fact sheets are available at most public libraries and on the Internet at http://www.epa.gov/safewater/mdbp/implement.html.*

(2) Contact Time and Removal Credit.

(D) Disinfectant contact time must be determined for each system by evaluations performed as specified in the *Missouri Guidance Manual For Surface Water System Treatment Requirements*, 1992**, which is incoporated by reference**. Results of the evaluations, including the determined disinfectant contact times, must be submitted to the department for review. The evaluation must be submitted within one (1) year of the date that the system is covered by the requirements of this rule**, except that new water treatment facilities will not be issued a Final Approval of Construction under 10 CSR 60-3.010 until disinfection contact times are determined and submitted to the department**.

(5) Maximum Residual Disinfectant Levels.

(A) Maximum residual disinfectant levels (MRDL) are—

Disinfectant Residual	MRDL (mg/l)
Chlorine	4.0 (as Cl_2)
Chloramines	4.0 (as Cl_2)
Chlorine dioxide	0.8 (as ClO_2)

(B) Control of Disinfectant Residuals. For chlorine and chloramines, a public water system is in compliance with the MRDL when the running annual average of monthly averages of samples taken in the distribution system, computed quarterly, is less than or equal to the MRDL. For chlorine dioxide, a public water system (PWS) is in compliance with the MRDL when daily samples are taken at the entrance to the distribution system and no two (2) consecutive daily samples exceed the MRDL. MRDLs are enforceable in the same manner as maximum contaminant levels. Notwithstanding the MRDLs, systems may increase residual disinfectant levels in the distribution system of chlorine or chloramines (but not chlorine dioxide) to a level and for a time necessary to protect public health, to address specific microbiological contamination problems caused by circumstances such as, but not limited to, distribution line breaks, storm run-off events, source water contamination events, or cross-connection events.

(C) Compliance Dates.

1. Community water systems and nontransient noncommunity water systems.

A. Systems serving ten thousand (10,000) or more persons and using surface water or groundwater under the direct influence of surface water must comply with the MRDLs beginning December 16, 2001.

B. Systems serving fewer than ten thousand (10,000) persons and using surface water or groundwater under the direct influence of surface water and systems using only groundwater not under the direct influence of surface water must comply with the MRDLs beginning December 16, 2003.

2. Transient noncommunity water systems.

A. Systems serving ten thousand (10,000) or more persons and using surface water or groundwater under the direct influence of surface water and using chlorine dioxide as a disinfectant or oxidant must comply with the chlorine dioxide MRDL beginning December 16, 2001.

B. Systems serving less than ten thousand (10,000) persons, using surface water or groundwater under the direct influence of surface water and using chlorine dioxide as a disinfectant or oxidant, and systems using only groundwater not under the direct influence of surface water and using chlorine dioxide as a disinfectant or oxidant, must comply with the chlorine dioxide MRDL beginning December 16, 2003.

(6) Enhanced Disinfection Requirements.

(A) Compliance Date. In addition to sections (1)–(4) of this rule, surface water and groundwater under the direct influence of surface water systems serving at least ten thousand (10,000) people must also comply with the requirements in this section beginning December 16, 2001 unless otherwise specified.

(B) General Requirements.

1. This section (6) establishes or extends treatment technique requirements in lieu of maximum contaminant levels for the following contaminants: *Giardia lamblia*, viruses, heterotrophic plate count bacteria, Legionella, *Cryptosporidium*, and turbidity. Each surface water and groundwater under the direct influence of surface water system serving at least ten-thousand (10,000) people must provide treatment of its source water that complies with these treatment technique requirements and are in addition to those identified in sections (1)–(4) of this rule. The treatment technique requirements consist of installing and properly operating water treatment processes which reliably achieve—

A. At least nine-ninety percent (99%) (2-log) removal of *Cryptosporidium* between a point where the raw water is not subject to recontamination by surface water runoff and a point downstream before or at the first customer for filtered systems; and

B. Compliance with the profiling and benchmark requirements under the provisions of subsection (6)(C) of this rule.

2. A public water system subject to the requirements of this section (6) is in compliance with the requirements of paragraph (6)(B)1. of this rule if it meets the applicable filtration requirements in 10 CSR 60-4.050 and the disinfection requirements in sections (2)–(4) and subsection (6)(C) of this rule.

(C) Disinfection Profiling and Benchmarking.

1. Disinfection profile. A disinfection profile is a summary of daily *Giardia lamblia* inactivation through the treatment plant. A public water system subject to the requirements of this section (6) must determine its total trihalomethanes (TTHM) annual average and its HAA5 annual average. The annual average is the arithmetic average of the quarterly averages of four (4) consecutive quarters of monitoring.

A. The TTHM annual average must be the annual average during the same period as is used for the HAA5 annual average.

(I) Those systems that use "grandfathered" HAA5 occurrence data that meet the provisions of item (5)(C)1.B.(I) of this rule must use TTHM data collected at the same time under the provisions of 10 CSR 60-4.090.

(II) Those systems that use HAA5 occurrence data that meet the provisions of subitem (6)(C)1.B.(II)(a) of this rule must use TTHM data collected at the same time under the provisions of 10 CSR 60-4.090.

B. The HAA5 annual average must be the annual average during the same period as is used for the TTHM annual average.

(I) Those systems that have collected four (4) quarters of HAA5 occurrence data that meets the routine monitoring sample number and location requirements for TTHM in 10 CSR 60-4.090 and handling and analytical method requirements of 40 CFR 141.142 may use those data to determine whether the requirements of this section apply.

(II) Those systems that did not collect four (4) quarters of HAA5 occurrence data that meets the provisions of item (6)(C)1.B.(I) of this rule by March 16, 1999 must either—

(a) Conduct monitoring for HAA5 that meets the routine monitoring sample number and location requirements for TTHM in 10 CSR 60-4.090(2) and handling and analytical method requirements of 40 CFR 141.142(b)(1) to determine the HAA5 annual average and whether the requirements of paragraph (6)(C)2. of this rule apply; or

(b) Comply with all other provisions of this section as if the HAA5 monitoring had been conducted and the results required compliance with paragraph (6)(C)2. of this rule.

C. The system must submit data to the department on the schedule required by the department.

D. Any system having either a TTHM annual average greater than or equal to 0.064 mg/l or an HAA5 annual average greater than or equal to 0.048 mg/l during the period identified in subparagraphs (5)(C)1.A. and B. of this rule must comply with paragraph (6)(C)2. of this rule.

2. Disinfection profiling.

A. Any system that meets the criteria in subparagraph (6)(C)1.D. of this rule must develop a disinfection profile of its disinfection practice for a period of up to three (3) years.

B. The system must monitor daily for a period of twelve (12) consecutive calendar months to determine the total logs of inactivation for each day of operation, based on the CT99.9 values in Tables 1 through 8 of the "Guidance Manual for Surface Water System Treatment Requirements," as appropriate, through the entire treatment plant. This system must begin this monitoring when requested by the department. As a minimum, the system with a single point of disinfectant application prior to entrance to the distribution system must conduct the monitoring set forth in this subparagraph (6)(C)2.B. A system with more than one (1) point of disinfectant application must conduct this monitoring for each disinfection segment. The system must monitor the parameters necessary to determine the total inactivation ratio, using analytical methods in 10 CSR 60-5.010, as follows:

(I) The temperature of the disinfected water must be measured once per day at each residual disinfectant concentration sampling point during peak hourly flow;

(II) If the system uses chlorine, the pH of the disinfected water must be measured once per day at each chlorine residual disinfectant concentration sampling point during peak hourly flow;

(III) The disinfectant contact time(s) must be determined for each day during peak hourly flow; and

(IV) The residual disinfectant concentration(s) of the water before or at the first customer and prior to each additional point of disinfection must be measured each day during peak hourly flow.

C. In lieu of the monitoring conducted under the provisions of subparagraph (6)(C)2.B. of this rule to develop the disinfection profile the system may elect to meet the requirements of item (6)(C)2.C.(I) of this rule. In addition to the monitoring conducted under the provisions of subparagraph (6)(C)2.B. of this rule to develop the disinfection profile, the system may elect to meet the requirements of item (6)(C)2.C.(II) of this rule.

(I) A PWS that has three (3) years of existing operational data may submit those data, a profile generated using those data, and a request that the department approve use of those data in lieu of monitoring under the provisions of paragraph (6)(C)2. of this rule. The department must determine whether these operational data are substantially equivalent to data collected under the provisions of subparagraph (6)(C)2.B. of this rule. These data must also be representative of *Giardia lamblia* inactivation through the entire treatment plant and not just of certain treatment segments. Until the department approves this request, the system is required to conduct monitoring under the provisions of subparagraph (6)(C)2.B. of this rule.

(II) In addition to the disinfection profile generated under subparagraph (6)(C)2.B. of this rule, a PWS that has existing operational data may use those data to develop a disinfection profile for additional years. Such systems may use these additional yearly disinfection profiles to develop a benchmark under the provisions of paragraph (6)(C)3. of this rule. The department will determine whether these operational data are substantially equivalent to data collected under the provisions of subparagraph (6)(C)2.B. of this rule. These data must also be representative of inactivation through the entire treatment plant and not just of certain treatment segments.

D. The system must calculate the total inactivation ratio as follows:

(I) The system may determine the total inactivation ratio for the disinfection segment based on either of the following methods:

(a) Determine one (1) inactivation ratio ($CTcalc/CT_{99.9}$) before or at the first customer during peak hourly flow; or

(b) Determine successive ($CTcalc/CT_{99.9}$) values, representing sequential inactivation ratios, between the point of disinfectant application and a point before or at the first customer during peak hourly flow. Under this alternative, the system must calculate the total inactivation ratio by determining ($CTcalc/CT_{99.9}$) for each sequence and then adding the ($CTcalc/CT_{99.9}$) values together to determine ($\sum(CTcalc/CT_{99.9})$); and

(II) The system must determine the total logs of inactivation by multiplying the value calculated in item (6)(C)2.D.(I) of this rule by three (3.0).

E. A system that uses either chloramines or ozone for primary disinfection must also calculate the logs of inactivation for viruses using a method identified in EPA's "Alternative Disinfectants and Oxidants Guidance Manual."

F. The system must retain disinfection profile data in graphic form, as a spreadsheet, or in some other format acceptable to the department for review as part of sanitary surveys conducted by the department.

3. Disinfection benchmarking.

A. Any system required to develop a disinfection profile under the provisions of paragraphs (6)(C)1. and 2. of this rule and that decides to make a significant change to its disinfection practice must consult with the department in writing prior to making such change. Significant changes to disinfection practice are—

(I) Changes to the point of disinfection;

(II) Changes to the disinfectant(s) used in the treatment plant;

(III) Changes to the disinfection process; and

(IV) Any other modification identified by the department.

B. Any system that is modifying its disinfection practice must calculate its disinfection benchmark using one of the following procedures:

(I) For each year of profiling data collected and calculated under paragraph (6)(C)2. of this rule, the system must determine the lowest average monthly *Giardia lamblia* inactivation in each year of profiling data. The system must determine the average *Giardia lamblia* inactivation for each calendar month for each year of profiling data by dividing the sum of daily *Giardia lamblia* of inactivation by the number of values calculated for that month; or

(II) The disinfection benchmark is the lowest monthly average value (for systems with one (1) year of profiling data) or average of lowest monthly average values (for systems with more than one year of profiling data) of the monthly logs of *Giardia lamblia* inactivation in each year of profiling data.

C. A system that uses either chloramines or ozone for primary disinfection must also calculate the disinfection benchmark for viruses using a method approved by the department.

D. The system must submit the following information to the department as part of its consultation process:

(I) A description of the proposed change;

(II) The disinfection profile for *Giardia lamblia* (and, if necessary, viruses) under paragraph (6)(C)2. of this rule and benchmark as required by subparagraph (6)(C)3.B. of this rule; and

(III) An analysis of how the proposed change will affect the current levels of disinfection.

(D) Filtration Sampling Requirements.

1. A public water system subject to the requirements of this section (5) that provides conventional filtration treatment must conduct continuous monitoring of turbidity for each individual filter using an approved method in 10 CSR 60-5.010 and must calibrate turbidimeters using the procedure specified by the manufacturer. Systems must record the results of individual filter monitoring every fifteen (15) minutes.

2. If there is a failure in the continuous turbidity monitoring equipment, the system must conduct grab sampling every four (4) hours in lieu of continuous monitoring, but for no more than five (5) working days following the failure of the equipment.

*AUTHORITY: section 640.100, RSMo [1994] **Supp. 1999**. Original rule filed July 12, 1991, effective Feb. 6, 1992. Amended: Filed Feb. 1, 1996, effective Oct. 30, 1996. Amended: Filed Dec. 15, 1999.*

PUBLIC COST: This proposed amendment is anticipated to cost the Department of Natural Resources approximately $2,743 in the aggregate each year the rule is in effect, and publicly-owned public water systems serving 10,000 or more people and using surface water or groundwater under the direct influence of surface water approximately $544,191 during the first year of compliance (calendar year 2002) and approximately $93,075 annually in the aggregate each year thereafter that the rule is in effect. The rule is anticipated to be in effect in perpetuity.

PRIVATE COST: This proposed amendment is anticipated to cost five privately-owned public water systems serving 10,000 or more people and using surface water or groundwater under the direct influence of surface water approximately $144,051 during the first year of compliance (calendar year 2002) and approximately $27,375 annually in the aggregate each year thereafter that the rule is in effect. The rule is anticipated to be in effect in perpetuity.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: A public hearing will be held February 22, 2000, at the DNR Conference Center, 1735 Elm Street, Jefferson City, Missouri. The informational meeting and public hearing on the proposed rulemaking will begin at 10:00 a.m. Requests to comment at the public hearing should be sent in advance to the Public Drinking Water Program at the address provided at the end of this notice.

*Anyone may submit comments in support of or in opposition to this proposed amendment. In preparing comments on the proposed amendment, please include the regulatory citation and the **Missouri Register** page number. Please explain why you agree or disagree with the proposed change, and include alternative options or language for consideration by the commission.*

Written comments must be postmarked or received by March 2, 2000. Comments may be mailed, faxed or E-mailed to: Jerry L. Lane, P.E., Director, Public Drinking Water Program, P.O. Box 176, Jefferson City, MO 65102. The fax number is (573) 751-3110. The E-mail address is nrmccal@mail.dnr.state.mo.us.

FISCAL NOTE
PUBLIC ENTITY COST

I. RULE NUMBER

Title: 10
Division: 60
Chapter: 4
Type of Rulemaking: Proposed Amendment
Rule Number and Name: 10 CSR 60-4.055 Disinfection Requirements

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Cost of Compliance during the first year of compliance (calendar year 2002)	Annualized Aggregate Cost following the first year of compliance*
17 Publicly-owned public water systems using surface water as a source of supply and serving 10,000 or more people	$544,191	$93,075
Department of Natural Resources	$2,743	$2,743
Total	$546,934	$95,818

*Because the rule in anticipated to be in effect in perpetuity, the cost of compliance in the aggregate for the lifetime of the rule cannot be accurately estimated. The total annualized cost is expected to remain constant for the duration of the rule after the first year of compliance, except that the estimated cost does not take into account inflationary factors.

III. WORKSHEET

MDNR Costs:
1. Review Benchmark and Turbidity Results 1 day/mo X 12 mo = 96 hours or .048 FTE
   .048 X $57,162 = $2,743
2. MDNR average FTE cost including salary, fringe benefits, and equipment and expenses is approximately $57,162 for technical staff. The average annual work hours for an FTE is estimated at 2000 hours

Public Water System Costs:
1. Disinfection benchmark per PWS = 1hrs/day X 365 days X $30 per hour X 6 systems = $59,700
2. 14 systems X 12 filters X $1,795 per filter plus 10% installation costs = $391,416
3. On-going costs for individual filter monitoring = .5 hour/day X $30/hour X 365 days/year X 17 systems = $93,075/year

IV. ASSUMPTIONS

1. The assumption is made that the water systems affected by this rule will be able to meet the new MRDLs without any further costs.
2. It is assumed, based on preliminary data, that six publicly owned systems will have to do a disinfection profile and create a disinfection benchmark of their disinfection practices. It is assumed that these systems will have to spend one hour per day to collect the necessary data.
3. It is estimated that 25% of the surface water systems serving 10,000 or more people currently have individual turbidimeters on each filter. The rule requires individual turbidimeters on each filter and continuous monitoring (every 15 minutes). The estimated cost per turbidimeter is $1,795 (price per Hach Catalog). It is assumed that the average treatment plant has 12 filters. This would be a total cost of 14 water systems X 12 filters X $1,795 per filter = $301,560 plus 10% for installation costs = $331,716. For each water system without individual turbidimeters already, the cost to purchase and install them would be $23,694 per system.
3. It is assumed that each affected system will have to spend 0.5 hours/day operating, recording and monitoring their turbidity results at each filter

FISCAL NOTE
PRIVATE ENTITY COST

I. RULE NUMBER

Title: 10
Division: 60
Chapter: 4
Type of Rulemaking: Proposed Amendment
Rule Number and Name: 10 CSR 60-4.055–Disinfection Requirements

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the proposed amendment	Classification by types of business entities which would likely be affected	Estimated cost of compliance
5	Privately-owned public water systems using surface water or ground water under the direct influence of surface water and serving >10,000 people	First year of compliance = $144,051 Each subsequent year = $27,375 annual cost*

*Because the rule is anticipated to be in effect in perpetuity, the cost of compliance in the aggregate for the lifetime of the rule cannot be accurately estimated. The annual aggregate cost is expected to remain constant for the duration of the rule, after the first year of implementation, except that the estimated cost does not take into account inflationary factors.

II. WORKSHEET

The estimated costs for the first year of compliance were calculated as follows:

Disinfection benchmark: 2 water systems X 1hrs/day X $30 per hour X 365 days = $21,900
Individual turbidimeter costs: 4 water systems X 12 filters X $1,795 per filter + 10% installation cost = $94,776
Individual turbidimeter costs: 5 water systems X .5 hours/day X $30/hr X 365 days/year = $27,375

Estimated annual costs are:
Individual turbidimeter costs: 5 water systems X .5 hours/day X $30/hr X 365 days/year = $27,375

III. ASSUMPTIONS

1. Of the five surface water systems serving 10,000 or more people, preliminary data indicates two systems will have to create a disinfection benchmark of their disinfection practices. It is assumed that each water system will have to spend one hour per day to collect the necessary data.

2. The estimated costs associated with purchasing and installing individual turbidimeters was calculated as follows. Five privately owned surface water systems serving a population of 10,000 or more people are required to have individual turbidimeters on each filter and to conduct continuous monitoring (every 15 minutes). It is estimated that four of the five systems currently do not have turbidimeters on each filter. The estimated cost per turbidimeter is $1,795 (price per Hach Catalog). With the average treatment plant in this size category having 12 filters, this would be a total cost of: 4 water systems X 12 filters X $1,795 per filter = $86,160 plus 10% for installation costs =$94,776

3. It is estimated that the 5 private water systems affected by this rule will have to spend 0.5 hours per day on monitoring and reporting requirements for their individual turbidimeter monitoring.

Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 60—Public Drinking Water Program
Chapter 4—Contaminant Levels and Monitoring

PROPOSED AMENDMENT

10 CSR 60-4.090 Maximum *[Trihalomethane]* **Contaminant Level*s* and Monitoring Requirements** ***for Disinfection Byproducts***. The commission is amending the rule title and purpose statement, amending and renumbering sections (1)–(11) as sections (1) and (2), and adding new sections (3) and (4).

PURPOSE: This proposed amendment incorporates new maximum contaminant levels and compliance requirements for disinfection byproducts. Monitoring plan requirements for consecutive systems are established.

Detailed information about these requirements is available in the federal Disinfection and Disinfectant Byproducts Rule published in the December 16, 1998 ***Federal Register*** *(63 FR 69390-69476). The federal rule, guidance and fact sheets are available at most public libraries and on the Internet at http://www.epa.gov/safewater/mdbp/implement.html.*

PURPOSE: This rule establishes [the] maximum contaminant levels and monitoring requirements for total trihalomethanes ***and other disinfection byproducts***.

[(1) The maximum contaminant level (MCL) for total trihalomethanes (TTHM) is:

Contaminant	*Level, Milligrams Per Liter*
Total Trihalomethanes	*0.10]*

(1) Applicability. This rule applies to community water systems and nontransient noncommunity water systems that add a disinfectant to the water in any part of the drinking water treatment process. The rule has different requirements and compliance dates, based on system size and type of source water.

(A) Community water systems serving ten thousand (10,000) or more people and using surface water or groundwater under the direct influence of surface water.

1. These systems must continue complying with the maximum contaminant level (MCL) of 0.10 for total trihalomethanes (TTHM) and section (2) of this rule until December 16, 2001.

2. Beginning December 16, 2001, these systems must comply with sections (3)–(4) of this rule and the MCLs of 0.080 for TTHM, 0.060 for haloacetic acids five (HAA5), 0.010 for bromate, and 1.0 for chlorite.

(B) Community water systems serving less than ten thousand (10,000) people and nontransient noncommunity water systems using surface water or groundwater under the direct influence of surface water. Beginning December 16, 2003, these systems must comply with sections (3)–(4) of this rule and the MCLs of 0.080 for TTHM, 0.060 for HAA5, 0.010 for bromate, and 1.0 for chlorite.

(C) Community water systems and nontransient noncommunity water systems using groundwater. Beginning December 16, 2003, these systems must comply with sections (3)–(4) of this rule and the MCLs of 0.080 for TTHM, 0.060 for HAA5, 0.010 for bromate, and 1.0 for chlorite.

Table 1. Compliance with Disinfection Byproduct Requirements

Who must comply	When	MCLs (mg/L)	Compliance Requirements
Community water systems serving 10,000 or more people and using surface water or groundwater under the direct influence of surface water	Oct. 11, 1981 to Dec. 16, 2001	TTHM 0.10	Section (2)
	Dec. 16, 2001	TTHM 0.080 HAA5 0.060 Bromate 0.010 Chlorite 1.0	Sections (3) and (4)
Community water systems serving less than 10,000 people and nontransient noncommunity water systems using surface water or groundwater under the direct influence of surface water	Dec. 16, 2003	TTHM 0.080 HAA5 0.060 Bromate 0.010 Chlorite 1.0	Sections (3) and (4)
Community water systems and nontransient noncommunity water systems using groundwater	Dec. 16, 2003	TTHM 0.080 HAA5 0.060 Bromate 0.010 Chlorite 1.0	Sections (3) and (4)

(D) A system that is installing granular activated carbon (GAC) or membrane technology to comply with this rule may apply to the department for an extension of up to twenty-four (24) months past December 16, 2001. In granting the extension, the department will set a schedule for compliance and may specify any interim measures that the system must take. Failure to meet the schedule or interim treatment requirements constitutes a violation of the drinking water regulations.

(E) Beginning on the effective date of this amendment, any water treatment plant proposed for construction or major modification must be designed to meet the disinfection byproduct MCLs of 0.080 for TTHM, 0.060 for HAA5, 0.010 for bromate, and 1.0 for chlorite and the requirements of sections (3) and (4) of this rule.

(2) *[The MCL for TTHM applies to community water systems which add a disinfectant to the water in any part of the drinking water treatment process and serve ten thousand (10,000) or more persons. Compliance with the MCL is calculated pursuant to section (3).]* **Compliance with the TTHM MCL of 0.10.**

*[(3)]***(A)** A supplier of water must collect samples of his/her product water for analyses as follows:

[(A)] **1.** Community water systems must perform sampling at quarterly intervals.

[1.] **A.** Analyses for TTHM shall be performed at quarterly intervals on at least four (4) water samples for each treatment plant used by the system.

[2.] **B.** The minimum number of samples required shall be based on the number of treatment plants used by the system except that multiple wells drawing raw water from a single aquifer, with the department's approval, may be considered one (1) treatment plant for determining the minimum number of samples.

[3.] **C.** Community water systems serving fewer than ten thousand (10,000) persons, at the discretion of the department, may be required to submit fewer samples; and

[(B)] **2.** All samples taken within an established frequency shall be collected within a twenty-four (24)-hour period.

[(4)] **(B)** At least twenty-five percent (25%) of the samples shall be taken at locations within the distribution system reflecting the maximum residence time of the water in the system. The remaining shall be taken at representative locations in the distribution system, taking into account the number of persons served, different sources of water and different treatment methods employed.

[(5)] **(C)** The results of all analyses per quarter shall be arithmetically averaged and all samples collected shall be used in the computation of the average.

[(6)] **(D)** Upon a community water system's written request, the department may reduce the TTHM analysis monitoring frequency to a minimum of one (1) sample per quarter.

[(A)] **1.** The sample shall be taken at a point in the distribution system that reflects the maximum residence time of the water in the system.

[(B)] **2.** The department shall provide, in writing, a determination that local conditions and data from at least one (1) year of monitoring in accordance with *[section (3)]* **subsection (2)(A)** of this rule demonstrate that TTHM concentrations will be consistently below the MCL.

[(C)] **3.** The supplier of water immediately shall begin monitoring in accordance with the requirements of *[section (3)]* **subsection (2)(A)** of this rule upon finding that—

[1.] **A.** At any time during the reduced monitoring, the results from any analysis for TTHM exceed 0.10 milligrams per liter (mg/l) and the results are confirmed by at least one (1) check sample taken promptly after the results are received; or

[2.] **B.** The system makes any significant change(s) to its source of water or treatment process; and

[3.] **C.** This monitoring shall continue at least one (1) year before the frequency may be reduced again.

[(7)] **(E)** Upon the written request of a community water system that utilizes only groundwater sources, the department may allow the water system to substitute a minimum of one (1) sample per

year for maximum TTHM potential in place of quarterly sampling for TTHM.

[(A)] **1.** This monitoring frequency applies separately to each treatment plant used in the system.

[(B)] **2.** The sample shall be taken at a point in the distribution system that reflects the maximum residence time of the water in the system.

[(C)] **3.** The department shall provide, in writing, a determination that—

[1.] **A.** The system has a maximum TTHM potential of less than 0.10 mg/l based upon data submitted by the water supplier; and

[2.] **B.** Based upon an assessment of local conditions, the system is not likely to approach or exceed the MCL for TTHM.

[(D)] **4.** A water supplier immediately shall begin monitoring in accordance with the requirements of *[section (3)]* **subsection (2)(A)** of this rule upon finding that—

[1.] **A.** The results from any analysis taken by the water supplier for maximum TTHM potential are equal to or greater than 0.10 mg/l; and

[2.] **B.** The results are confirmed by at least one (1) check sample which was taken promptly after the results were received; and

[3.] **C.**This monitoring shall continue for at least one (1) year before the frequency may be reduced again.

[(E)] **5.** If the system makes any significant change(s) in the raw water or treatment program at any time during the period of reduced monitoring frequency, the water supplier immediately shall collect an additional sample to be analyzed for maximum TTHM potential. The sample shall be taken at a point in the distribution system that reflects the maximum residence time of the water in the system. The results of the analysis shall be used to determine whether the system must comply with the monitoring requirements of *[section (3)]* **subsection (2)(A)** of this rule.

[(8)] **(F)** Compliance with *[section (1) of this rule]* **the MCL of 0.10 for TTHM** shall be determined based on a running annual average of quarterly samples collected by the supplier of water as prescribed in *[section (3)]* **subsection (2)(A)**. If the average of samples covering any twelve (12)-month period exceeds the MCL, the supplier of water shall report to the department pursuant to 10 CSR 60-7.010 and notify the public pursuant to 10 CSR 60-8.010. Monitoring after public notification shall be at a frequency designated by the department and shall continue until a monitoring schedule as a condition to a variance, exemption or enforcement action shall become effective.

[(9)] **(G)** Samples for TTHM shall be dechlorinated upon collection to prevent further production of trihalomethanes. Samples for maximum TTHM potential shall not be dechlorinated and must be held for seven (7) days at twenty-five degrees Celsius (25°C) prior to analysis.

[(10)] **(H)** At the option of the department, monitoring frequencies may be increased above the minimum where this is necessary to detect variations of TTHM levels within the distribution system.

[(11)] **(I)** Before a community water system makes any significant modifications to its existing treatment process for the purposes of achieving compliance with this rule, the system must obtain departmental approval of its proposed modifications and those safeguards that it will implement to ensure that the microbiological quality of the drinking water served by the system will not be adversely affected by the modifications. At a minimum, the department shall require the system modifying its disinfection practice to—

[(A)] **1.** Evaluate the source water for microbiological quality;

[(B)] **2.** Evaluate its existing treatment practices and consider improvements that will minimize disinfectant demand and optimize finished water quality throughout the distribution system; and

[(C)] **3.** Conduct additional monitoring and studies as required by the department to assure continued maintenance of optimal biological quality in finished water.

(3) Monitoring Requirements and Plan.

(A) General Requirements.

1. Systems must take all samples during normal operating conditions.

2. With department approval, systems may consider multiple wells drawing water from a single aquifer as one treatment plant for determining the minimum number of TTHM and HAA5 samples required. The department may approve as one treatment plant—

A. Multiple wells located in the same unconsolidated formation; or

B. Multiple wells located in the same consolidated formation.

3. Each system required to monitor under this section (3) must develop and implement a monitoring plan. This includes systems purchasing water, unless the system is included in the seller's monitoring plan.

A. The monitoring plan must include at least the following elements:

(I) Specific locations and schedules for collecting samples;

(II) How the system will calculate compliance with MCLs, maximum residual disinfection levels (MRDLs), and treatment techniques; and

(III) If approved for monitoring as a consecutive system, or if providing water to a consecutive system, under the provisions of 10 CSR 60-4.010(6), the sampling plan must reflect the entire distribution system.

B. The system must maintain the monitoring plan and make it available for inspection by the department and the general public no later than thirty (30) days following the applicable compliance dates in section (1) of this rule.

C. All systems serving more than three thousand three hundred (>3,300) people and using surface water or groundwater under the direct influence of surface water (GWUDISW) must submit a copy of the monitoring plan to the department no later than the date of the first report required under 10 CSR 60-7.010(6). The department may also require the plan to be submitted by any other system at the department's discretion. After review, the department may require changes in any plan elements.

D. Systems that purchase water must provide a monitoring plan and meet the monitoring requirements of this section unless the purchaser is included in the seller's monitoring plan.

4. Failure to monitor in accordance with the monitoring plan is a monitoring violation.

5. Failure to monitor will be treated as a violation for the entire period covered by the annual average where compliance is based on a running annual average of monthly or quarterly samples or averages and the system's failure to monitor makes it impossible to determine compliance with MCLs or MRDLs.

6. Systems may use only data collected under the provisions of this section (3) or EPA's Information Collection Rule (40 CFR Subpart M) to qualify for reduced monitoring.

(B) Monitoring Requirements for Disinfection Byproducts.

1. TTHMs and HAA5.

A. Routine monitoring. Systems must monitor at the frequency indicated in Table 2.

Table 2. Routine Monitoring Frequency for TTHM and HAA5.

Surface water or GWUDISW system serving at least 10,000 people.	**Four (4) water samples per quarter per treatment plant.**	**At least 25 percent of all samples collected each quarter at locations representing maximum residence time. Remaining samples taken at locations representative of at least average residence time in the distribution system and representing the entire distribution system, taking into account number of persons served, different sources of water, and different treatment methods.[1]**
Surface water or GWUDISW system serving from 500 to 9,999 people.	**One (1) water sample per quarter per treatment plant.**	**Locations representing maximum residence time.[1]**
Surface water or GWUDISW system serving fewer than 500 people.	**One (1) sample per year per treatment plant during month of warmest water temperature.**	**Locations representing maximum residence time.[1] If the sample (or average of annual samples, if more than one sample is taken) exceeds MCL, system must increase monitoring to one sample per treatment plant per quarter, taken at a point reflecting the maximum residence time in the distribution system, until system meets reduced monitoring criteria in subsection (3)(C) of this rule.**
System using only groundwater not under the direct Influence of surface water using chemical disinfectant and serving at least 10,000 people.	**One (1) water sample per quarter per treatment plant.[2]**	**Locations representing maximum residence time.[1]**
System using only groundwater not under the direct influence of surface water using chemical disinfectant and serving fewer than 10,000 persons.	**One (1) sample per year per treatment plant[2] during month of warmest water temperature.**	**Locations representing maximum residence time.[1] If the sample (or average of annual samples, if more than one sample is taken) exceeds MCL, the system must increase monitoring to one sample per treatment plant per quarter, taken at a point reflecting the maximum residence time in the distribution system, until system meets the criteria in subsection (3)(C) of this rule for reduced monitoring.**

[1]If a system elects to sample more frequently than the minimum required, at least twenty-five percent (25%) of all samples collected each quarter (including those taken in excess of the required frequency) must be taken at locations that represent the maximum residence time of the water in the distribution system. The remaining samples must be taken at locations representative of at least average residence time in the distribution system.

[2]Multiple wells drawing water from a single aquifer may be considered one (1) treatment plant for determining the minimum number of samples required, with department approval.

B. Systems may reduce monitoring, except as otherwise provided, in accordance with Table 3.

Table 3. Reduced Monitoring Frequency for TTHM and HAA5.

If you are a . . .	You may reduce monitoring if you have monitored at least one year and your . . .	To this level
Surface water or GWUDISW system serving at least 10,000 persons which has a source water annual average total organic carbon (TOC) level, before any treatment, $<$4.0mg/l.	TTHM annual average $\leq$0.040 mg/l and HAA5 annual average $\leq$0.030 mg/l.	One (1) sample per treatment plant per quarter at distribution system location reflecting maximum residence time.
Surface Water or GWUDISW system serving from 500 to 9,999 persons which has a source water annual average TOC level, before any treatment, $\leq$4.0mg/l.	TTHM annual average $\leq$0.040 mg/l and HAA5 annual average $\leq$0.030 mg/l.	One (1) sample per treatment plant per year at distribution system location reflecting maximum residence time during month of warmest water temperature. NOTE: Any surface water or GWUDISW system serving fewer than 500 persons may not reduce its monitoring to less than one sample per treatment plant per year.
System using only groundwater not under direct influence of surface water using chemical disinfectant and serving at least 10,000 persons.	TTHM annual average $\leq$0.040 mg/l and HAA5 annual average $\leq$0.030 mg/l.	One (1) sample per treatment plant per year at distribution system location reflecting maximum residence time during month of warmest water temperature.
System using only groundwater not under direct influence of surface water using chemical disinfectant and serving fewer than 10,000 persons.	TTHM annual average $\leq$0.040 mg/l and HAA5 annual average $\leq$0.030 mg/l for two consecutive years OR TTHM annual average $\leq$0.20 mg/l and HAA5 annual average $\leq$0.015 mg/l for one year.	One (1) sample per treatment plant per year at distribution system location reflecting maximum residence time during month of warmest water temperature, with the three-year cycle beginning on January 1 following quarter in which system qualifies for reduced monitoring.

C. Systems on a reduced monitoring schedule may remain on that reduced schedule as long as the average of all samples taken in the year (for systems which must monitor quarterly) or the result of the sample (for systems which must monitor no more frequently than annually) is no more than 0.060 mg/l for TTHMs and 0.045 mg/l for HAA5. Systems that do not meet these levels must resume monitoring at the frequency identified in Table 2. Routine monitoring in the quarter immediately following the quarter in which the system exceeds 0.060 mg/l for TTHMs and 0.045 mg/l for HAA5.

D. The department may return a system to routine monitoring at the department's discretion.

2. Chlorite. Community and nontransient noncommunity water systems using chlorine dioxide, for disinfection or oxidation, must conduct monitoring for chlorite.

A. Routine monitoring.

(I) Daily monitoring. Systems must take daily samples at the entrance to the distribution system. For any daily sample that exceeds the chlorite MCL, the system must take additional samples in the distribution system the following day at the following locations: near the first customer; at a location representative of average residence time; and at a location reflecting maximum residence time in the distribution system, in addition to the sample required at the entrance to the distribution system.

(II) Monthly monitoring. Systems must take a three (3)-sample set each month in the distribution system. The system must take one (1) sample at each of the following locations: near the first customer; at a location representative of average residence time; and at a location reflecting maximum residence time in the distribution system. Any additional routine sampling must be conducted in the same manner (as three (3)-sample sets, at the specified locations). The system may use the results of additional monitoring conducted under subparagraph (3)(B)2.B. to meet the requirement for monthly monitoring.

B. Additional monitoring. On each day following a routine sample monitoring result that exceeds the chlorite MCL at the entrance to the distribution system, the system is required to take three (3) chlorite distribution system samples at the following locations: as close to the first customer as possible, in a location representative of average residence time, and as close to the end of the distribution system as possible (reflecting maximum residence time in the distribution system).

C. Reduced monitoring.

(I) Chlorite monitoring at the entrance to the distribution system required by item (3)(B)2.A.(I) of this rule may not be reduced.

(II) Chlorite monitoring in the distribution system required by item (3)(B)2.A.(II) of this rule may be reduced to one (1) three (3)-sample set per quarter after one (1) year of monitoring where no individual chlorite sample taken in the distribution system under item (3)(B)2.A.(II) of this rule has exceeded the chlorite MCL and the system has not been required to conduct monitoring under subparagraph (3)(B)2.B. of this rule. The system may remain on the reduced monitoring

schedule until either any of the three (3) individual chlorite samples taken quarterly in the distribution system under item (3)(B)2.A.(II) of this rule exceeds the chlorite MCL or the system is required to conduct monitoring under subparagraph (3)(B)2.B. of this rule, at which time the system must revert to routine monitoring.

3. Bromate.

A. Routine monitoring. Community and nontransient noncommunity systems using ozone for disinfection or oxidation must take one (1) sample per month for each treatment plant in the system using ozone. Systems must take samples monthly at the entrance to the distribution system while the ozonation system is operating under normal conditions.

B. Reduced monitoring. Systems required to analyze for bromate may reduce monitoring from monthly to once per quarter, if the system demonstrates that the average source water bromide concentration is less than 0.05 mg/l based upon representative monthly bromide measurements for one (1) year. The system may remain on reduced bromate monitoring until the running annual average source water bromide concentration, computed quarterly, is equal to or greater than 0.05 mg/l based upon representative monthly measurements. If the running annual average source water bromide concentration is greater than or equal to 0.05 mg/l, the system must resume routine monitoring.

(C) Monitoring Requirements for Disinfectant Residuals.

1. Chlorine and chloramines.

A. Routine monitoring. Systems must measure the residual disinfectant level at the same points in the distribution system and at the same time as total coliforms are sampled, as specified in 10 CSR 60-4.020. System using surface water or groundwater under the influence of surface water may use the results of residual disinfectant concentration sampling conducted under 10 CSR 60-4.080(3) and 10 CSR 60-4.055(4), in lieu of taking separate samples.

B. Reduced monitoring. Monitoring may not be reduced.

2. Chlorine dioxide.

A. Routine monitoring. Community, nontransient noncommunity, and transient noncommunity water systems that use chlorine dioxide for disinfection or oxidation must take daily samples at the entrance to the distribution system. For any daily sample that detects chlorine dioxide, the system must take additional samples in the distribution system the following day, in addition to the sample required at the entrance to the distribution system.

B. Additional monitoring. On each day following a routine sample monitoring result that detects chlorine dioxide, the system is required to take three (3) chlorine dioxide distribution system samples as close to the first customer as possible, at intervals of at least six (6) hours. If chloramines are used to maintain a disinfectant residual in the distribution system, or if chlorine is used to maintain a disinfectant residual in the distribution system and there are no disinfection addition points after the entrance to the distribution system (that is, no booster chlorination), the system must take three (3) samples as close to the first customer as possible, at intervals of at least six (6) hours. If chlorine is used to maintain a disinfectant residual in the distribution system and there are one (1) or more disinfection addition points after the entrance to the distribution system (that is, booster chlorination), the system must take one (1) sample at each of the following locations: as close to the first customer as possible; in a location representative of average residence time; and as close to the end of the distribution system as possible (reflecting maximum residence time in the distribution system).

C. Reduced monitoring. Chlorine dioxide monitoring may not be reduced.

(D) Monitoring Requirements for Disinfection Byproduct Precursors (DBPP).

1. Routine monitoring. Systems using surface water or ground water under the direct influence of surface water and using conventional filtration treatment must monitor each treatment plant for total organic carbon (TOC) no later than the point of combined filter effluent turbidity monitoring and representative of the treated water. These systems must also monitor for TOC in the source water prior to any treatment at the same time as monitoring for TOC in the treated water. These samples (source water and treated water) are referred to as paired samples. At the same time as the source water sample is taken, all systems must monitor for alkalinity in the source water prior to any treatment. Systems must take one (1) paired sample and one (1) source water alkalinity sample per month per plant at a time representative of normal operating conditions and influent water quality.

2. Reduced monitoring. Systems using surface water or groundwater under the direct influence of surface water with an average treated water TOC of less than 2.0 mg/l for two (2) consecutive years, or less than 1.0 mg/l for one (1) year, may reduce monitoring for both TOC and alkalinity to one (1) paired sample and one (1) source water alkalinity sample per plant per quarter. The system must revert to routine monitoring in the month following the quarter when the annual average treated water TOC greater than or equal to 2.0 mg/l.

(E) Bromide. Systems required to analyze for bromate may reduce bromate monitoring from monthly to once per quarter, if the system demonstrates that the average source water bromide concentration is less than 0.05 mg/l based upon representative monthly measurements for one (1) year. The system must continue bromide monitoring to remain on reduced bromate monitoring.

(4) Compliance Requirements.

(A) General Requirements.

1. Where compliance is based on a running annual average of monthly or quarterly samples or averages and the system fails to monitor for TTHM, HAA5, or bromate, this failure to monitor will be treated as a monitoring violation for the entire period covered by the annual average.

2. Where compliance is based on a running annual average of monthly or quarterly samples or averages and the system's failure to monitor makes it impossible to determine compliance with MRDLs for chlorine and chloramines, this failure to monitor will be treated as a monitoring violation for the entire period covered by the annual average.

3. All samples taken and analyzed under the provisions of this rule must be included in determining compliance, even if that number is greater than the minimum required.

4. If, during the first year of monitoring, any individual quarter's average will cause the running annual average of that system to exceed the MCL, the system is out of compliance at the end of that quarter.

(B) Disinfection Byproducts.

1. TTHMs and HAA5.

A. For systems monitoring quarterly, compliance must be based on a running annual arithmetic average, computed quarterly, of quarterly arithmetic averages of all samples collected by the system as prescribed by paragraph (3)(B)1. of this rule. If the running annual arithmetic average of quarterly averages covering any consecutive four (4)-quarter period exceeds the MCL, the system is in violation of the MCL and must notify the public pursuant to 10 CSR 60-8.010, in addition to reporting to the department pursuant to 10 CSR 60-7.010. If a PWS fails to complete four (4) consecutive quarters' monitoring, compliance with the MCL for the last four (4)-quarter compliance period must be based on an average of the available data.

B. For systems monitoring less frequently than quarterly, compliance must be based on an average of samples taken that year under the provisions of paragraph (3)(B)1. of this rule. If the average of these samples exceeds the MCL, the system must increase monitoring to once per quarter per treatment plant.

C. Systems on a reduced monitoring schedule whose annual average exceeds the MCL will revert to routine monitoring immediately. These systems will not be considered in violation of the MCL until they have completed one (1) year of routine monitoring.

2. Bromate. Compliance must be based on a running annual arithmetic average, computed quarterly, of monthly samples (or, for months in which the system takes more than one sample, the average of all samples taken during the month) collected by the system as prescribed by paragraph (3)(B)3. of this rule. If the average of samples covering any consecutive four (4)-quarter period exceeds the MCL, the system is in violation of the MCL and must notify the public pursuant to 10 CSR 60-8.010, in addition to reporting to the department pursuant to 10 CSR 60-7.010. If a PWS fails to complete twelve (12) consecutive months' monitoring, compliance with the MCL for the last four (4)-quarter compliance period must be based on an average of the available data.

3. Chlorite. Compliance must be based on an arithmetic average of each three (3) sample set taken in the distribution system as prescribed by part (3)(B)2.A.(II) and subparagraph (3)(B)2.B. of this rule. If the arithmetic average of any three (3)-sample set exceeds the MCL, the system is in violation of the MCL and must notify the public pursuant to 10 CSR 60-8.010, in addition to reporting to the department pursuant to 10 CSR 60-7.010.

(C) Disinfectant Residuals.

1. Chlorine and chloramines.

A. Compliance must be based on a running annual arithmetic average, computed quarterly, of monthly averages of all samples collected by the system under paragraph (3)(C)1. of this rule. If the average of quarterly averages covering any consecutive four (4)-quarter period exceeds the MRDL, the system is in violation of the MRDL and must notify the public pursuant to 10 CSR 60-8.010, in addition to reporting to the department pursuant to 10 CSR 60-7.010.

B. In cases where systems switch between the use of chlorine and chloramines for residual disinfection during the year, compliance must be determined by including together all monitoring results of both chlorine and chloramines in calculating compliance. Reports submitted pursuant to 10 CSR 60-7.010(6) must clearly indicate which residual disinfectant was analyzed for each sample.

2. Chlorine dioxide.

A. Acute violations. Compliance must be based on consecutive daily samples collected by the system under paragraph (3)(C)2. of this rule. If any daily sample taken at the entrance to the distribution system exceeds the MRDL, and on the following day one (1) (or more) of the three (3) samples taken in the distribution system exceed the MRDL, the system is in violation of the MRDL and must take immediate corrective action to lower the level of chlorine dioxide below the MRDL and must notify the public pursuant to the procedures for acute health risks in 10 CSR 60-8.010(1)(A)3., in addition to reporting to the department pursuant to 10 CSR 60-7.010 Failure to take samples in the distribution system the day following an exceedance of the chlorine dioxide MRDL at the entrance to the distribution system will also be considered an MRDL violation and the system must notify the public of the violation in accordance with the provisions for acute violations under 10 CSR 60-8.010(1)(A)3., in addition to reporting to the department pursuant to 10 CSR 60-7.010.

B. Nonacute violations. Compliance must be based on consecutive daily samples collected by the system in compliance with this rule.

(I) If any two (2) consecutive daily samples taken at the entrance to the distribution system detect chlorine dioxide, the system must take corrective action to lower the chlorine dioxide level.

(II) If any two (2) consecutive daily samples taken at the entrance to the distribution system exceed the MRDL and all distribution system samples taken are below the MRDL, the system is in violation of the MRDL and must take corrective action to lower the level of chlorine dioxide below the MRDL at the point of sampling and notify the public pursuant to the procedures for nonacute health risks in 10 CSR 60-8.010(7)(D), in addition to reporting to the department pursuant to 10 CSR 60-7.010. Failure to monitor at the entrance to the distribution system the day following an exceedance of the chlorine dioxide MRDL at the entrance to the distribution system is also an MRDL violation and the system must notify the public of the violation in accordance with the provisions for nonacute violations in 10 CSR 60-8.010(7)(D), in addition to reporting to the department pursuant to 10 CSR 60-7.010

(D) Disinfection Byproduct Precursors (DBPP).

1. Systems using surface water or groundwater under the direct influence of surface water and using conventional filtration treatment must operate with enhanced coagulation or enhanced softening to achieve the TOC percent removal levels specified in this rule unless the system meets at least one (1) of the alternative compliance criteria listed here. These systems must still comply with monitoring requirements in sections (3)–(4) of this rule. The alternative compliance criteria for enhanced coagulation and enhanced softening are—

A. The system's source water TOC level, measured according to 10 CSR 60-5.010, is less than 2.0 mg/l, calculated quarterly as a running annual average;

B. The system's treated water TOC level, measured according to 10 CSR 60-5.010, is less than 2.0 mg/l, calculated quarterly as a running annual average;

C. The system's source water TOC level, measured according to 10 CSR 60-5.010, is less than 4.0 mg/l, calculated quarterly as a running annual average; the source water alkalinity, measured according to 10 CSR 60-5.010, is greater than sixty (60) mg/l (as $CaCO_3$), calculated quarterly as a running annual average; and either the TTHM and HAA5 running annual averages are no greater than 0.040 mg/l and 0.030 mg/l, respectively; or prior to the effective date for compliance with this rule, the system has made a clear and irrevocable financial commitment not later than the effective date for compliance with this rule to use of technologies that will limit the levels of TTHMs and HAA5 to no more than 0.040 mg/l and 0.030 mg/l, respectively. Systems must submit evidence of a clear and irrevocable financial commitment, in addition to a schedule containing milestones and periodic progress reports for installation and operation of appropriate technologies, to the department for approval not later than the effective date for compliance with this rule. These technologies must be installed and operating not later than June 16, 2005. Failure to install and operate these technologies by the date in the approved schedule will constitute a violation;

D. The TTHM and HAA5 running annual averages are no greater than 0.040 mg/l and 0.030 mg/l, respectively, and the system uses only chlorine for primary disinfection and maintenance of a residual in the distribution system;

E. The system's source water SUVA, prior to any treatment and measured monthly according to 10 CSR 60-5.010, is less than or equal to 2.0 l/mg-m, calculated quarterly as a running annual average. SUVA refers to specific ultraviolet absorption at two hundred fifty-four nanometers (254nm), an

indicator of the humic content of water. It is a calculated parameter obtained by dividing a sample's ultraviolet absorption at a wavelength of 254nm (UV_{254}) (in m^{-1}) by its concentration of dissolved organic carbon (DOC) (in mg/l); and

F. The system's finished water SUVA, measured monthly according to 10 CSR 60-5.010, is less than or equal to 2.0 l/mg-m, calculated quarterly as a running annual average.

2. Additional alternative compliance criteria for softening systems. Systems practicing enhanced softening that cannot achieve the Step 1 TOC removals may use the alternative compliance criteria listed here in lieu of complying with paragraph (4)(D)3. of this rule. Systems must still comply with monitoring requirements in sections (3)–(4) of this rule.

A. Softening that results in lowering the treated water alkalinity to less than sixty (60) mg/l (as $CaCO_3$), measured monthly according to 10 CSR 60-5.010 and calculated quarterly as a running annual average.

B. Softening that results in removing at least ten (10) mg/l of magnesium hardness (as $CaCO_3$), measured monthly and calculated quarterly as an annual running average.

3. Enhanced coagulation and enhanced softening performance requirements.

A. Systems must achieve the percent reduction of TOC specified in Table 1 between the source water and the combined filter effluent, unless the department approves a system's request for alternate minimum TOC removal (Step 2) requirements. Systems may begin monitoring to determine whether Step 1 TOC removals can be met twelve (12) months prior to the compliance date for the system. This monitoring is not required and failure to monitor during this period is not a violation. However, any system that does not monitor during this period, and then determines in the first twelve (12) months after the compliance date that it is not able to meet the Step 1 requirements and must therefore apply for alternate minimum TOC removal (Step 2) requirements, is not eligible for retroactive approval of alternate minimum TOC removal (Step 2) requirements and is in violation. Systems may apply for alternate minimum TOC removal (Step 2) requirements any time after the compliance date.

B. Required Step 1 TOC reductions, indicated in the following table, are based upon specified source water parameters measured in accordance with 10 CSR 60-5.010. Systems practicing softening are required to meet the Step 1 TOC reductions in the far-right column (Source water alkalinity > 120 mg/l) for the specified source water TOC.

Table 1. Required Step 1 TOC Reductions.

Step 1 Required Removal of TOC by Enhanced Coagulation and Enhanced Softening for Surface Water and GWUDISW Systems Using Conventional Treatment[1,2]			
	Source water alkalinity, mg/L as $CaCO_3$		
Source water TOC, mg/l	0–60	>60–120	>120[3]
>2.0–4.0	35.0%	25.0%	15.0%
>4.0–8.0	45.0%	35.0%	25.0%
>8.0	50.0%	40.0%	30.0%

[1]Systems meeting at least one of the conditions in paragraph (4)(D)1. of this rule are not required to operate with enhanced coagulation.

[2]Softening systems meeting one of the alternative compliance criteria in paragraph (4)(D)1. of this rule are not required to operate with enhanced softening.

[3]Systems practicing softening must meet the TOC removal requirements in this column.

C. Conventional treatment systems using surface water or groundwater under the direct influence of surface water that cannot achieve the Step 1 TOC removals due to water quality parameters or operational constraints must apply to the department, within three (3) months of failure to achieve the Step 1 TOC removals, for approval of alternative minimum TOC (Step 2) removal requirements submitted by the system. If the department approves the alternative minimum TOC removal (Step 2) requirements, the department may make those requirements retroactive for the purposes of determining compliance. Until the department approves the alternate minimum TOC removal (Step 2) requirements, the system must meet the Step 1 TOC removals.

D. Alternate minimum TOC removal (Step 2) requirements. Applications made to the department by enhanced coagulation systems for approval of alternative minimum TOC removal (Step 2) requirements under subparagraph (4)(D)3.C. of this rule must include, as a minimum, results of bench- or pilot-scale testing conducted under this subparagraph (4)(D)3.D. and used to determine the alternate enhanced coagulation level.

(I) Alternate enhanced coagulation level is defined as coagulation at a coagulant dose and pH as determined by the method described here such that an incremental addition of ten (10) mg/l of alum (or equivalent amount of ferric salt) results in a TOC removal of less than or equal to 0.3 mg/l. The percent removal of TOC at this point on the "TOC removal versus coagulant dose" curve is then defined as the minimum TOC removal required for the system. Once approved by the department, this minimum requirement supersedes the minimum TOC removal required by Table 1 of this rule. This requirement will be effective until such time as the department approves a new value based on the results of a new bench- and pilot-scale test. Failure to achieve department-set alternative minimum TOC removal levels is a violation.

(II) Bench- or pilot-scale testing of enhanced coagulation must be conducted by using representative water samples and adding 10 mg/l increments of alum (or equivalent amounts of ferric salt) until the pH is reduced to a level less than or equal to the enhanced coagulation Step 2 target pH shown in Table 2.

Table 2: Enhanced Coagulation Step 2 Target pH.

Alkalinity (mg/l as $CaCO_3$)	Target pH
0–60	5.5
>60–120	6.3
>120–240	7.0
>240	7.5

(III) For waters with alkalinities of less than sixty (60) mg/l for which addition of small amounts of alum or equivalent addition of iron coagulant drives the pH below 5.5 before significant TOC removal occurs, the system must add necessary chemicals to maintain the pH between 5.3 and 5.7 in samples until the TOC removal of 0.3 mg/l per 10 mg/l alum added (as aluminum) (or equivalant addition of iron coagulant) is reached.

(IV) The system may operate at any coagulant dose or pH necessary (consistent with other regulatory requirements) to achieve the minimum TOC percent removal approved under subsection (3)(C) of this rule.

(V) If the TOC removal is consistently less than 0.3 mg/l of TOC per 10 mg/l of incremental alum dose (as aluminum) at all dosages of alum (or equivalant addition of iron

coagulant), the water is deemed to contain TOC not amenable to enhanced coagulation. The system may then apply to the department for a waiver of enhanced coagulation requirements.

4. Compliance calculations.

A. Systems using surface water or groundwater under the direct influence of surface water, other than those identified in paragraphs (4)(D)1. or 2. of this rule, must comply with requirements contained in subparagraph (4)(D)3.B. of this rule. Systems must calculate compliance quarterly, beginning after the system has collected twelve (12) months of data, by determining an annual average using the following method:

(I) Determine actual monthly TOC percent removal, equal to: (1 – (treated water TOC/source water TOC)) × 100;

(II) Determine the required monthly TOC percent removal;

(III) Divide the value in part (4)(D)4.A.(I) by the value in part (4)(D)4.A(II); and

(IV) Add together the results of part (4)(D)4.A.(III) for the last twelve (12) months and divide by twelve (12). If the value calculated is less than 1.00, the system is not in compliance with the TOC percent removal requirements.

B. Systems may use the following provisions in lieu of the calculations in subparagraph (4)(D)4.A. of this rule to determine compliance with TOC percent removal requirements:

(I) In any month that the system's treated or source water TOC level, measured according to 10 CSR 60-5.010, is less than 2.0 mg/l, the system may assign a monthly value of 1.0 (in lieu of the value calculated in part (4)(D)4.A.(III) of this rule);

(II) In any month that a system practicing softening removes at least 10 mg/l of magnesium hardness (as $CaCO_3$), the system may assign a monthly value of 1.0 (in lieu of the value calculated in part (4)(D)4.A.(III) of this rule);

(III) In any month that the system's source water SUVA, prior to any treatment and measured according to 10 CSR 60-5.010, is less than or equal to 2.0 l/mg-m, the system may assign a monthly value of 1.0 (in lieu of the value calculated in part (4)(D)4.A.(III) of this rule);

(IV) In any month that the system's finished water SUVA, measured according to 10 CSR 60-5.010, is less than or equal to 2.0 l/mg-m, the system may assign a monthly value of 1.0 (in lieu of the value calculated in part (4)(D)4.A.(III) of this rule); and

(V) In any month that a system practicing enhanced softening lowers alkalinity below sixty (60) mg/l (as $CaCO_3$), the system may assign a monthly value of 1.0 (in lieu of the value calculated in part (4)(D)4.A.(III) of this rule).

C. Systems using conventional treatment and surface water or groundwater under the direct influence of surface water may also comply with the requirements of this rule by meeting the criteria in paragraph (4)(D)1. or 2. of this rule.

*AUTHORITY: section 640.100, RSMo [1994] **Supp. 1999**. Original rule filed April 14, 1981, effective Oct. 11, 1981. Amended: Filed Feb. 1, 1996, effective Oct. 30, 1996. Amended: Filed Dec. 15, 1999.*

PUBLIC COST: This proposed amendment is anticipated to cost the Department of Natural Resources approximately $656,560 annually through June 30, 2004 for an aggregate cost of approximately $2,626,240. It is anticipated to cost 780 publicly-owned public water systems that provide water containing a disinfectant approximately $10,181,374 in capital improvement costs, operation and maintenance and monitoring costs from Dec. 16, 2000 through June 30, 2004 and approximately $93,600 in one-time costs for developing monitoring plans. The rule is anticipated to become effective in August 2000 with the first compliance date Dec. 16, 2000 and is anticipated to be in effect through mid-2004 when it will be replaced with requirements in EPA's Stage 2 DBP rule. The capital improvement costs assume 7% interest and a 20-year amortization schedule.

PRIVATE COST: This proposed amendment is anticipated to cost 85 privately owned public water systems that provide water containing a disinfectant approximately $66,345 in capital improvement costs, operation and maintenance, and monitoring costs from Dec. 16, 2000 through June 30, 2004 and approximately $10,200 in one-time costs for developing monitoring plans. The rule is anticipated to become effective in August 2000 with the first compliance date Dec. 16, 2000 and is anticipated to be in effect through mid-2004 when it will be replaced with requirements in EPA's Stage 2 DBP rule. The capital improvement costs assume 7% interest and a 20-year amortization schedule.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: A public hearing will be held February 22, 2000, at the DNR Conference Center, 1735 Elm Street, Jefferson City, Missouri. The informational meeting and public hearing on the proposed rulemaking will begin at 10:00 a.m. Requests to comment at the public hearing should be sent in advance to the Public Drinking Water Program at the address provided at the end of this notice.

*Anyone may submit comments in support of or in opposition to this proposed amendment. In preparing comments on the proposed amendment, please include the regulatory citation and the **Missouri Register** page number. Please explain why you agree or disagree with the proposed change, and include alternative options or language for consideration by the commission.*

Written comments must be postmarked or received by March 2, 2000. Comments may be mailed, faxed or E-mailed to: Jerry L. Lane, P.E., Director, Public Drinking Water Program, P.O. Box 176, Jefferson City, MO 65102. The fax number is (573) 751-3110. The E-mail address is nrmccal@mail.dnr.state.mo.us.

FISCAL NOTE
PUBLIC ENTITY COST

I. RULE NUMBER

Title:	10
Division:	60
Chapter:	4
Type of Rulemaking:	Proposed Amendment
Rule Number and Name:	10 CSR 60-4.090 Maximum Contaminant Levels and Monitoring Requirements for Disinfection Byproducts

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Cost of Compliance in the Aggregate*
Department of Natural Resources	$2,626,240
780 Public Water Systems providing water containing a chemical disinfectant	$10,181,374 + one-time cost of $93,600

*The earliest compliance date in this amendment is December 16, 2000. It is anticipated that the rule will be in effect through mid-2004 when it will be replaced with requirements in EPA's Stage 2 Disinfectants/Disinfection By-Products Rule.

III. WORKSHEET

Stage 1 of the Disinfectants and Disinfection Byproducts Rule (D/DBPR) will affect many of Missouri's community and nontransient noncommunity public water systems that use a disinfectant to treat their drinking water. Missouri has 94 surface water systems and 686 groundwater systems that disinfect with chlorine and will be affected by this rule. The Department of Natural Resources (DNR) will also incur costs because the Department provides the monitoring to the PWSs. The cost estimates for compliance with the D/DBPR are derived from estimates of utility treatment costs and monitoring/reporting costs for both the utilities and DNR.

Public water systems (PWSs) that obtain their source water from surface water are the PWSs primarily concerned with this rule. Surface water sources contain more of the naturally occurring organic matter that acts as precursors that react with chlorine used to treat the water to form disinfection byproducts (DBPs). Most of the groundwater systems will not have to make any treatment changes so their only costs will be monitoring and reporting.

Many of Missouri's surface water systems will have to make changes to their treatment technologies or operational practices in order to comply with the new maximum contaminant levels for DBPs, and the treatment technique requirements for removal of total organic carbon (TOC). It is difficult to predict what technologies a given water system will chose for many reasons including: differences in raw water quality between systems, the size and viability of the water system, the existing configuration and state of repair of the various treatment plants, and the costs of the various treatment technologies. The cost of new technologies can be high and large systems have economy of scale, which would allow them to choose some technologies small systems couldn't afford. There are enormous uncertainties for reducing the risk associated with exposure to DBPs and the treatment techniques that may be affordable for each system that make it difficult to forecast which technologies will be utilized by Missouri PWSs.

The Environmental Protection Agency (EPA) did an extensive compliance forecast and cost estimate for the federal D/DBPR. EPA used a Water Industry Data Base (WIDB) developed by the American Water Works Association to help predict which technologies would be used by PWSs to comply with the D/DBPR. The WIDB consists of treatment and monitoring data from 308 PWSs across the nation. Along with the WIDB data, EPA also considered

updated information on costs for the various treatment technologies, Information Collection Rule data on treatment plant schematics, new epidemiologic information on health risks and new research data on the efficacy of enhanced coagulation. EPA used all this information to forecast which treatment technologies would be utilized and to estimate utility treatment costs. EPA broke the cost estimates down into the unit costs for the various treatment technologies. These unit costs represent estimates in 1998 dollars of the various treatment technologies broken into different PWS size categories to reflect the economy of scale of the larger systems. EPA's unit costs were presented in dollars per 1000 gallons, which includes operation and maintenance costs and amortized capital costs (using 7 percent interest and a 20-year amortization schedule). These unit costs are found in Table IV-4 in the Federal Register, 40 CFR, Vol. 63, published December 16, 1998 on page 69436. The unit costs in Table IV-4 were used to calculate annual costs for Missouri PWSs based on their average daily water usage. The Department recognized several years ago that this rule would be a challenge for many of our PWSs and initiated monitoring in 1996 for DBPs in all the surface water supplies, groundwater systems with wells in unconsolidated formations and large (>10,000 population) secondary systems. This data has been useful to help enhance EPA's forecast information and make it more specific for Missouri.

MDNR Costs:

1. Public Drinking Water Program and Regional Office - technical	3 FTE	$171,486
2. Public Drinking Water Program - clerical	.33 FTE	$ 10,520
3. Public Drinking Water Program – 3,480 THM Samples		$210,714
4. Public Drinking Water Program – 2,480 HAA Samples		$165,118
5. Public Drinking Water Program – 3384 TOC Samples		$ 90,082
6. Public Drinking Water Program – 432 Chlorite Samples		$ 8,640
Total MDNR cost		$656,560

Costs to Public Water Systems:

1. Treatment and capital costs of installing new technologies or modifying existing treatment	$2,875,124
2. Development of monitoring plans	$ 93,600
3. Collecting Samples	$ 33,840
Total Community Public Water System Cost	$3,002,564

IV. ASSUMPTIONS

MDNR Costs:

1. Regional office technical staff will need to provide technical assistance and training (4000 hrs) for operators in regulatory requirements and treatment techniques. Public Drinking Water Program technical staff will need to schedule monitoring, track sample kits, store and review data, track compliance, follow-up on compliance activities for systems with monitoring or MCL violations, and provide general technical assistance to public water systems and regional office staff (2000 hrs).
2. Public Drinking Water Program clerical staff will need to log, copy, track, and file reports (660 hrs.).
3. DNR average FTE cost including salary, fringe benefits, and equipment and expense is approximately $57,162 for technical staff and $31,879 for clerical staff. The average work hours for an FTE is estimated at 2000 hours.
4. The Department provides analytical services to every PWS from DNR's laboratory, the Environmental Services Program (ESP). ESP provides a unit cost per sample type that includes equipment costs, supplies, personal service and fringe in a per sample cost: Trihalomethanes = $60.55/sample; Haloacetic Acids = $66.58/sample; Total Organic Carbon = $26.62/sample; Chlorite = $20/sample.
5. The monitoring requirements of the D/DBPR are phased in based on system size and source water. The large surface water systems (serving >10,000 people) must begin compliance in January 2002. The small surface water systems (serving <10,000 people) and all the groundwater systems must begin compliance in January 2004. The number of samples estimated includes all of Missouri's PWSs regardless of size or source water because they all will eventually be affected. Recognizing that the D/DBPR will be challenge

for many of Missouri's, PWSs Missouri has taken a proactive approach to begin working on complying with this rule as early as possible by providing monitoring and technical assistance. DNR is trying to provide the PWSs with as much information and technical assistance as possible to allow the PWSs enough time to make the necessary treatment changes or install capital improvements. The number of samples are based on Missouri's DBP data and assumes that none of our surface water systems will be able to take advantage of the reduced monitoring options in the regulation. The numbers also assume and that all the groundwater systems will not be allowed to grandfather existing data and will be put on routine monitoring for the first year. The last assumption is that the consecutive system issue will be dealt with by including them in the primary system's monitoring plans so there are no extra samples included for the 266 consecutive systems in Missouri.

Costs to Community Public Water Systems:

1. EPA estimated that approximately 39 percent of the large (serving >10,000 population) surface water systems nationwide would not have to do any further treatment for DBPs. Missouri's data shows that approximately 77 percent of the large surface water systems (17 out of 22 systems) are currently in compliance with the Stage 1 requirements and probably will not have to make any treatment changes. Two of the large systems not meeting Stage 1 requirements are constructing groundwater sources, which would bring the compliance percentage to 86 percent. The remainders of the large systems are close to meeting the new MCLs and most likely will be able to meet them by January 2002 when this rule becomes effective. EPA estimated that approximately 30 percent of the small (serving <10,000 population) surface water systems would not have to do any additional treatment. Missouri's data shows that our small surface water systems are less apt to be able to comply with only about 22 percent not needing any additional treatment. Overall, considering the current data, 61 out of the 94 surface water systems in Missouri could not meet the Stage 1 MCLs.
2. EPA estimated that a very small percentage of the PWSs would utilize new technologies like membranes, ozone and chlorine dioxide because of the high cost. Missouri may have more systems looking at chlorine dioxide (12 systems are already using it in Missouri) and membranes (one system using them and two other currently proposed) than predicted. DNR estimated that at least 20 PWSs would utilize either membranes or chlorine dioxide technology. The remainder will probably utilize enhanced coagulation (because the surface water plants already have coagulation basins) and chloramines for a residual. This is the basis for DNR's treatment cost estimates.
3. Many systems have already made changes to their treatment systems in anticipation of this rule. The draft D/DBPR was published in 1994. Missouri began forewarning surface water systems of the new requirements, monitoring and technical assistance in advance. This has helped several systems get into compliance early. Their costs are not reflected in these estimates.
4. All 780 PWSs affected by this rule will have to prepare a monitoring plan. DNR assumed that it would take an average of 8 hours for each system to develop those at the labor cost of $15/hour.
5. Each system will have to collect DBP samples. DNR assumed that it would take an average of 2 hours per system per month to do distribution sampling at the labor cost of $15/hour. Surface water systems and large groundwater must sample more frequently (quarterly) and the rest of the groundwater systems will only have to test once a year during the warmest months at maximum residence time.

FISCAL NOTE
PRIVATE ENTITY COST

I. RULE NUMBER

Title:	10
Division:	60
Chapter:	4
Type of Rulemaking:	Proposed Amendment
Rule Number and Name:	10 CSR 60-4.090 Maximum Contaminant Levels and Monitoring Requirements for Disinfection Byproducts

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by adoption of the amendment	**Classification by types of the business entities which would likely be affected**	**Estimated Cost of Compliance in the Aggregate***
85	Public Water Systems that provide water containing a chemical disinfectant	$66,345 + one-time cost of $10,200

* The earliest compliance date in this amendment is December 16, 2000. It is anticipated that the rule will be in effect through mid-2004 when it will be replaced with requirements in EPA's Stage 2 Disinfectants/Disinfection By-Products Rule.

III. WORKSHEET

Stage 1 of the Disinfectants and Disinfection Byproducts Rule (D/DBPR) will affect many of Missouri's community and nontransient noncommunity public water systems that use a disinfectant to treat their drinking water. Missouri has 13 surface water systems that are privately owned and 72 privately owned groundwater systems that disinfect with chlorine and will be affected by this rule. The Department of Natural Resources (DNR) will also incur costs because the Department provides the monitoring to the PWSs. The cost estimates for compliance with the D/DBPR are derived from estimates of utility treatment costs and monitoring/reporting costs for both the utilities and DNR.

Public water systems (PWSs) that obtain their source water from surface water are the PWSs primarily concerned with this rule. Surface water sources contain more of the naturally occurring organic matter that acts as precursors that react with chlorine used to treat the water to form disinfection byproducts (DBPs). However, the privately owned surface water systems in Missouri are some of the larger, more professionally operated facilities. Missouri's DBP data indicates that only 5 of the smaller systems will have to make treatment upgrades. Based on the population served by these 5 systems versus the total population served by surface water systems in Missouri approximately 0.62 percent of the Missouri's total treatment cost will be attributed to privately owned systems.

There are 72 groundwater systems in Missouri that are privately owned. None of them will have to make any treatment changes to comply with this rule, so their only costs will be monitoring and reporting.

Many of Missouri's surface water systems will have to make changes to their treatment technologies or operational practices in order to comply with the new maximum contaminant levels for DBPs, and the treatment technique requirements for removal of total organic carbon (TOC). It is difficult to predict what technologies a given water system will chose for many reasons including: differences in raw water quality between systems, the size and viability of the water system, the existing configuration and state of repair of the various treatment plants, and the costs of the various treatment technologies. The cost of new technologies can be high and large systems have economy of scale, which would allow them to choose some technologies small systems couldn't afford. There are enormous uncertainties for reducing the risk associated with exposure to DBPs and the treatment techniques that

may be affordable for each system that make it difficult to forecast which technologies will be utilized by Missouri PWSs.

The Environmental Protection Agency (EPA) did an extensive compliance forecast and cost estimate for the federal D/DBPR. EPA used a Water Industry Data Base (WIDB) developed by the American Water Works Association to help predict which technologies would be used by PWSs to comply with the D/DBPR. The WIDB consists of treatment and monitoring data from 308 PWSs across the nation. Along with the WIDB data, EPA also considered updated information on costs for the various treatment technologies, Information Collection Rule data on treatment plant schematics, new epidemiologic information on health risks and new research data on the efficacy of enhanced coagulation. EPA used all this information to forecast which treatment technologies would be utilized and to estimate utility treatment costs. EPA broke the cost estimates down into the unit costs for the various treatment technologies. These unit costs represent estimates in 1998 dollars of the various treatment technologies broken into different PWS size categories to reflect the economy of scale of the larger systems. EPA's unit costs were presented in dollars per 1000 gallons, which includes operation and maintenance costs and amortized capital costs (using 7 percent interest and a 20-year amortization schedule). These unit costs are found in Table IV-4 in the Federal Register, 40 CFR, Vol. 63, published December 16, 1998 on page 69436. The unit costs in Table IV-4 were used to calculate annual costs for Missouri PWSs based on their average daily water usage. The Department recognized several years ago that this rule would be a challenge for many of our PWSs and initiated monitoring in 1996 for DBPs in all the surface water supplies, groundwater systems with wells in unconsolidated formations and large (>10,000 population) secondary systems. This data has been useful to help enhance EPA's forecast information and make it more specific for Missouri.

MDNR Costs:

1. Public Drinking Water Program and Regional Office - technical	.25 FTE	$14,290
2. Public Drinking Water Program - clerical	.10 FTE	$ 3,180
3. Public Drinking Water Program – 373 THM Samples		$22,585
4. Public Drinking Water Program – 287 HAA Samples		$19,108
5. Public Drinking Water Program – 264 TOC Samples		$ 7,028
Total MDNR cost		$66,191

Costs to Community Public Water Systems:

1. Treatment and capital costs of installing new technologies or modifying existing treatment	$17,825
2. Development of monitoring plans	$10,200
3. Collecting Samples	$ 4,290
Total Community Public Water System Cost	$32,315

IV. ASSUMPTIONS

MDNR Costs:

1. Regional office technical staff will need to provide technical assistance and training (400 hrs) for operators in regulatory requirements and treatment techniques. Public Drinking Water Program technical staff will need to schedule monitoring, track sample kits, store and review data, track compliance, follow-up on compliance activities for systems with monitoring or MCL violations, and provide general technical assistance to public water systems and regional office staff (100 hrs).
2. Public Drinking Water Program clerical staff will need to log, copy, track, and file reports (200 hrs.).
3. DNR average FTE cost including salary, fringe benefits, and equipment and expense is approximately $57,162 for technical staff and $31,879 for clerical staff. The average work hours for an FTE is estimated at 2000 hours.
4. The Department provides analytical services to every PWS from DNR's laboratory, the Environmental Services Program (ESP). ESP provides a unit cost per sample type that includes all these expenses

equipment costs, supplies, personal service and fringe in a per sample cost: Trihalomethanes = $60.55/sample; Haloacetic Acids = $66.58/sample; Total Organic Carbon = $26.62/sample

5. The monitoring requirements of the D/DBPR are phased in based on system size and source water. The large surface water systems (serving >10,000 people) must begin compliance in January 2002. The small surface water systems (serving <10,000 people) and all the groundwater systems must begin compliance in January 2004. The number of samples estimated includes all of Missouri's PWSs regardless of size or source water because they all will eventually be affected. Recognizing that the D/DBPR will be challenge for many of Missouri's, PWSs Missouri has taken a proactive approach to begin working on complying with this rule as early as possible by providing monitoring and technical assistance. DNR is trying to provide the PWSs with as much information and technical assistance as possible to allow the PWSs enough time to make the necessary treatment changes or install capital improvements. The number of samples are based on Missouri's DBP data and assumes that none of our surface water systems will be able to take advantage of the reduced monitoring options in the regulation. The numbers also assume and that all the groundwater systems will not be allowed to grandfather existing data and will be put on routine monitoring for the first year. The last assumption is that the consecutive system issue will be dealt with by including them in the primary system's monitoring plans so there are no extra samples included for the 266 consecutive systems in Missouri.

Costs to Community Public Water Systems:

1. EPA estimated that approximately 39 percent of the large (serving >10,000 population) surface water systems nationwide would not have to do any further treatment for DBPs. Missouri's data shows that approximately 77 percent of the large surface water systems (17 out of 22 systems) are currently in compliance with the Stage 1 requirements and probably will not have to make any treatment changes. Two of the large systems not meeting Stage 1 requirements are constructing groundwater sources, which would bring the compliance percentage to 86 percent. The remainders of the large systems are close to meeting the new MCLs and most likely will be able to meet them by January 2002 when this rule becomes effective. EPA estimated that approximately 30 percent of the small (serving <10,000 population) surface water systems would not have to do any additional treatment. Missouri's data shows that our small surface water systems are less apt to be able to comply with only about 22 percent not needing any additional treatment. Overall, considering the current data, 61 out of the 94 surface water systems in Missouri could not meet the Stage 1 MCLs. Very few of the privately owned systems will have to make treatment changes because of this rule.
2. EPA estimated that a very small percentage of the PWSs would utilize new technologies like membranes, ozone and chlorine dioxide because of the high cost. Missouri may have more systems looking at chlorine dioxide (12 systems are already using it in Missouri) and membranes (one system using them and two other currently proposed) than predicted. DNR estimated that at least 20 PWSs would utilize either membranes or chlorine dioxide technology. The remainder will probably utilize enhanced coagulation (because the surface water plants already have coagulation basins) and chloramines for a residual. This is the basis for DNR's treatment cost estimates.
3. Many systems have already made changes to their treatment systems in anticipation of this rule. The draft D/DBPR was published in 1994. Missouri began forewarning surface water systems of the new requirements, monitoring and technical assistance in advance. This has helped several systems get into compliance early. Their costs are not reflected in these estimates.
4. All 85 privately owned PWSs affected by this rule would have to prepare a monitoring plan. DNR assumed that it would take an average of 8 hours for each system to develop those at the labor cost of $15/hour.
5. Each system will have to collect DBP samples. DNR assumed that it would take an average of 2 hours per system per month to do distribution sampling at the labor cost of $15/hour. Surface water systems and large groundwater must sample more frequently (quarterly) and the rest of the groundwater systems will only have to test once a year during the warmest months at maximum residence time.
6. The Department assumed that there would be no additional cost to systems for collecting disinfectant residuals. The systems are already doing this under the Total Coliform Rule.

Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 60—Public Drinking Water Program
Chapter 5—Laboratory and Analytical Requirements

PROPOSED AMENDMENT

10 CSR 60-5.020 Laboratory Certification. The commission is adding a new section (7) with renumbering of subsequent sections.

PURPOSE: This amendment updates the certification requirements for analysis of disinfection byproducts.

(7) Analysis for disinfection byproducts must be conducted by laboratories that have received certification by the department. To receive certification to conduct analyses for the (TTHM), (HAA5), bromate and chlorite, the laboratory must carry out annual analyses of performance evaluation (PE) samples approved by the department. In these analyses of PE samples, the laboratory must achieve quantitative results within the acceptance limit on a minimum of eighty percent (80%) of the analytes included in each PE sample. The acceptance limit is defined as the ninety-five percent (95%) confidence interval calculated around the mean of the PE study data between a maximum and minimum acceptance limit of plus or minus fifty percent (±50%) and plus or minus fifteen percent (±15%) of the study mean.

*[(7)]***(8)** The department has the authority to allow the use of previously collected monitoring data for purposes of monitoring, if the data were collected and analyzed in accordance with the requirements of this rule.

*[(8)]***(9)** All lead levels measured between the Practical Quantification Level (PQL) and Method Detection Limit (MDL) must be either reported as measured or they can be reported as one-half (1/2) the PQL (0.0025 mg/l). All levels below the lead MDL must be reported as zero (0).

*[(9)]***(10)** All copper levels measured between the PQL and the MDL must be either reported as measured or they can be reported as one-half (1/2) the PQL (0.015 mg/l). All levels below the copper MDL must be reported as zero (0).

[(10)] **(11)** Operational monitoring measurements required by 10 CSR 60-4.080(3) shall be performed on-site by persons acceptable to the department.

*[(11)]***(12)** The department will consider acceptance of analytical results from out-of-state laboratories upon written request.

*AUTHORITY: section 640.100, RSMo [1994] **Supp. 1999**. Original rule filed May 4, 1979, effective Sept. 14, 1979. Rescinded and readopted: Filed March 31, 1992, effective Dec. 3, 1992. Amended: Filed Aug. 4, 1992, effective May 6, 1993. Amended: Filed May 4, 1993, effective Jan. 13, 1994. Amended: Filed Feb. 1, 1996, effective Oct. 30, 1996. Amended: Filed Dec. 15, 1999.*

PUBLIC COST: This proposed amendment is anticipated to cost four public drinking water laboratories approximately $1,050 annually each year the rule is in effect.

PRIVATE COST: This proposed amendment is anticipated to cost eight private laboratories approximately $2,100 annually each year the rule is in effect.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: A public hearing will be held February 22, 2000 at the DNR Conference Center, 1735 Elm Street, Jefferson City, Missouri. The informational meeting and public hearing on the proposed rulemaking will begin at 10:00 a.m. Requests to comment at the public hearing should be sent in advance to the Public Drinking Water Program at the address provided at the end of this notice.

*Anyone may submit comments in support of or in opposition to this proposed amendment. In preparing comments on the proposed amendment, please include the regulatory citation and the **Missouri Register** page number. Please explain why you agree or disagree with the proposed change, and include alternative options or language for consideration by the commission.*

Written comments must be postmarked or received by March 2, 2000. Comments may be mailed, faxed or E-mailed to: Jerry L. Lane, P.E., Director, Public Drinking Water Program, P.O. Box 176, Jefferson City, MO 65102. The fax number is (573) 751-3110. The E-mail address is nrmccal@mail.dnr.state.mo.us.

FISCAL NOTE
PUBLIC ENTITY COST

I. RULE NUMBER

Title: 10

Division: 60

Chapter: 5

Type of Rulemaking: Proposed Amendment

Rule Number and Name: 10 CSR 60-5.020 Laboratory Certification

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Cost of Compliance in the Aggregate
4 Public drinking water laboratories	Annualized Aggregate Cost* = $1,050

* Because the duration of the rule cannot be estimated accurately, an annualized aggregate cost is provided. The annualized costs shown are expected to remain constant for the duration of the rule.

III. WORKSHEET

The estimated costs associated with certification for the new contaminants and analytical methods were calculated as follows:

MDNR Costs:

No expected change in costs to the DNR laboratory or the state's laboratory certification since the existing monitoring program already includes the new contaminants and certification is already maintained through Proficiency Testing for these methods.

Costs to remaining 4 public drinking water laboratories:

The 4 publicly owned laboratories currently certified for chemical analysis by DNR will have to add additional Proficiency Test (PT) samples on an annual basis to obtain and maintain certification for the new contaminants added as a result of the Disinfectant/Disinfection By-products rules.

The 4 publicly owned laboratories currently certified by DNR for chemical analysis are estimated to have $1,050 in increased costs every year to become certified for the new methods and maintain the certification.

Bromate, Bromide, Chlorite - $150/lab X 2 labs = $300
DOC and TOC - $150/lab X 3 labs = $450
TTHM - $0
HAAs - $150/lab X 2 labs = $300

IV. ASSUMPTIONS

The cost for added PT testing was calculated as follows:

1. Each method will add approximately $150 to the cost of each annual round of PT testing necessary to obtain and maintain certification for the contaminants. Half is for the cost of purchasing the additional PT samples and half for the extra analysis time and materials to run the samples.
   a. Bromate, Bromide, Chlorite - EPA methods 300.0 or 300.1. All the laboratories may not have this capability and be certified since the methods are used for only a few other contaminants. About 50 % of the labs would need to add certification for these contaminants.
   b. DOC and TOC – Standard Methods 5310 B or D. The laboratories may not have this capability and be certified since this is the first time such analyses have been required for drinking water. About 75 % of the labs would need to add certification for these contaminants.
   c. TTHM – replace EPA method 551 with 551.1. All the laboratories are expected to have certification in place already for TTHM since it is an established contaminant. No additional certification costs are anticipated for this change.
   d. HAAs – EPA method 551.1 or 551.2 or Standard Method 6251 B. Most laboratories that already do TTHM or pesticides would already have the basic equipment necessary to run HAAs but may not have become certified for the methods. About 50 % of the labs would need to add certification for these contaminants.
2. There are no certification requirements for the operational testing being added by the Disinfectant/Disinfection By-product rules.

FISCAL NOTE
PRIVATE ENTITY COST

I. RULE NUMBER

Title: 10

Division: 60

Chapter: 5

Type of Rulemaking: Proposed Amendment

Rule Number and Name: 10 CSR 60-5.020 Laboratory Certification

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
8	Private laboratories	Annualized Aggregate Cost* = $2,100

* Because the duration of the rule cannot be estimated accurately, an annualized aggregate cost is provided. The annualized costs shown are expected to remain constant for the duration of the rule.

III. WORKSHEET

Costs to 8 Private Water Laboratories:

The 8 privately owned laboratories currently certified for chemical analysis by DNR will have to add additional Proficiency Test (PT) samples on an annual basis to obtain and maintain certification for the new contaminants added as a result of the Disinfectant/Disinfection By-products rules.

The 8 private laboratories currently certified by DNR for chemical analysis are estimated to have $2,100 in increased costs every year to become certified for the new methods and maintain the certification.

Bromate, Bromide, Chlorite - $150/lab X 4 labs = $600
DOC and TOC - $150/lab X 6 labs = $900
TTHM - $0
HAAs - $150/lab X 4 labs = $600

IV. ASSUMPTIONS

The cost for added PT testing was calculated as follows:

1. Each method will add approximately $150 to the cost of each annual round of PT testing necessary to obtain and maintain certification for the contaminants. Half is for the cost of purchasing the additional PT samples and half for the extra analysis time and materials to run the samples.
   a. Bromate, Bromide, Chlorite - EPA methods 300.0 or 300.1. All the laboratories may not have this capability and be certified since the methods are used for only a few other contaminants. About 50 % of the labs would need to add certification for these contaminants.
   b. DOC and TOC – Standard Methods 5310 B or D. The laboratories may not have this capability and be certified since this is the first time such analyses have been required for drinking water. About 75 % of the labs would need to add certification for these contaminants.
   c. TTHM – replace EPA method 551 with 551.1. All the laboratories are expected to have certification in place already for TTHM since it is an established contaminant. No additional certification costs are anticipated for this change.
   d. HAAs – EPA method 551.1 or 551.2 or Standard Method 6251 B. Most laboratories that already do TTHM or pesticides would already have the basic equipment necessary to run HAAs but may not have become certified for the methods. About 50 % of the labs would need to add certification for these contaminants.
2. There are no certification requirements for the operational testing being added by the Disinfectant/Disinfection By-product rules.

Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 60—Public Drinking Water Program
Chapter 7—Reporting

PROPOSED AMENDMENT

10 CSR 60-7.010 Reporting Requirements. The commission is adding sections (6) and (7) and renumbering subsequent sections.

PURPOSE: This amendment adds reporting and recordkeeping requirements for disinfection byproducts, disinfection byproduct precursors, and enhanced surface water treatment.

(6) Reporting and Recordkeeping Requirements for Disinfection Byproducts and Enhanced Surface Water Treatment.

(A) Compliance Dates.

1. CWS and NTNCWS serving ten thousand (10,000) or more persons and using surface water or ground water under the direct influence of surface water must comply with these requirements beginning December 16, 2001.

2. CWS and NTNCWS serving fewer than ten thousand (10,000) persons and using surface water or ground water under the direct influence of surface water, and systems using only ground water not under the direct influence of surface water, must comply with these requirements beginning December 16, 2003.

3. Transient NCWSs serving ten thousand (10,000) or more persons and using surface water or ground water under the direct influence of surface water and using chlorine dioxide as a disinfectant or oxidant must comply with any requirements for chlorine dioxide and chlorite in this rule beginning December 16, 2001.

4. Transient NCWSs serving fewer than ten thousand (10,000) persons, using surface water or ground water under the direct influence of surface water, and using chlorine dioxide as a disinfectant or oxidant, and systems using only ground water and using chlorine dioxide as a disinfectant or oxidant, must comply with any requirements in this rule for chlorine dioxide and chlorite in this rule beginning December 16, 2003.

(B) Disinfection Byproducts. Systems must report the information specified in the following table:

If you are…	You must report…[1]
System monitoring for TTHM and HAA5 under the requirements of 10 CSR 60-4.090(3)(B) on a quarterly or more frequent basis.	(1) The number of samples taken during the last quarter. (2) The location, date, and result of each sample taken during the last quarter. (3) The arithmetic average of samples taken in the last quarter. (4) The arithmetic average of the quarterly arithmetic averages of this section for the last four quarters. (5) Whether the MCL was exceeded.
System monitoring for TTHMs and HAA5 under the requirements of 10 CSR 60-4.090(3)(B) less frequently than quarterly (but at least annually).	(1) The number of samples taken during the last quarter. (2) The location, date, and result of each sample taken during the last quarter. (3) The arithmetic average of all samples taken over the last year. (4) Whether the MCL was exceeded.
System monitoring for TTHMs and HAA5 under the requirements of 10 CSR 60-4.090(3)(B) less frequently than annually.	(1) The location, date, and result of the last sample taken. (2) Whether the MCL was exceeded.
System monitoring for chlorite under the requirements of 10 CSR 60-4.090(3)(B).	(1) The number of samples taken each month for the last 3 months. (2) The location, date, and result of each sample taken during the last quarter. (3) For each month in the reporting period, the arithmetic average of all samples taken in the month. (4) Whether the MCL was exceeded, and in which month it was exceeded.
System monitoring for bromate under the requirements of 10 CSR 60-4.090(3)(B).	(1) The number of samples taken during the last quarter. (2) The location, date, and result of each sample taken during the last quarter. (3) The arithmetic average of the monthly arithmetic averages of all samples taken in the last year. (4) Whether the MCL was exceeded.

[1]The department may choose to perform calculations and determine whether the MCL was exceeded, in lieu of having the system report that information.

(C) Disinfectant Residuals. Systems must report the information specified in the following table:

If you are…	You must report…[1]
System monitoring for chlorine or chloramines under the requirements of 10 CSR 60-4.090(3)(C).	(1) The number of samples taken during each month of the last quarter. (2) The monthly arithmetic average of all samples taken in each month for the last 12 months. (3) The arithmetic average of all monthly averages for the last 12 months. (4) Whether the MRDL was exceeded.
System monitoring for chlorine dioxide under the requirements of 10 CSR 60-4.090(3)(C).	(1) The dates, results, and locations of samples taken during the last quarter. (2) Whether the MRDL was exceeded. (3) Whether the MRDL was exceeded in any two consecutive daily samples and whether the resulting violation was acute or nonacute.

[1]The department may choose to perform calculations and determine whether the MRDL was exceeded, in lieu of having the system report that information.

(D) Disinfection Byproduct Precursors and Enhanced Coagulation or Enhanced Softening. Systems must report the information specified in the following table:

If you are…	You must report…[1]
System monitoring monthly or quarterly for TOC under the requirements of 10 CSR 60-4.090(4)(D) and required to meet the enhanced coagulation or enhanced softening requirements in 10 CSR 60-4.090(4)(D)3.	(1) The number of paired (source water and treated water, prior to continuous disinfection) samples taken during the last quarter. (2) The location, date, and result of each paired sample and associated alkalinity taken during the last quarter. (3) For each month in the reporting period that paired samples were taken, the arithmetic average of the percent reduction of TOC for each paired sample and the required TOC percent removal. (4) Calculations for determining compliance with the TOC percent removal requirements. (5) Whether the system is in compliance with the enhanced coagulation or enhanced softening percent removal requirements for the last four (4) quarters.
System monitoring monthly or quarterly for TOC under the requirements of 10 CSR 60-4.090(4)(D) and meeting one or more of the alternative compliance criteria in 10 CSR 60-4.090(4)(D)1. or 2.	(1) The alternative compliance criterion that the system is using. (2) The number of paired samples taken during the last quarter. (3) The location, date, and result of each paired sample and associated alkalinity taken during the last quarter. (4) The running annual arithmetic average based on monthly averages (or quarterly samples) of source water TOC for systems meeting a criterion in 10 CSR 60-4.090(4)(D)1.A. or C. or of treated water TOC for systems meeting the criterion in 10 CSR 60-4.090(4)(D)1.B. (5) The running annual arithmetic average based on monthly averages (or quarterly samples) of source water SUVA for systems meeting the criterion in 10 CSR 60-4.090(4)(D)1.E. or of treated water SUVA for systems meeting the criterion in 10 CSR 60-4.090(4)(D)1.F. (6) The running annual average of source water alkalinity for systems meeting the criterion in 10 CSR 60-4.090(4)(D)1.C. and of treated water alkalinity for systems meeting the criterion in 10 CSR 60-4.090(4)(D)2. (7) The running annual average for both TTHM and HAA5 for systems meeting the criterion in 10 CSR 60-4.090(4)(D)1.C. or D. (8) The running annual average of the amount of magnesium hardness removal (as $CaCO_3$, in mg/l) for systems meeting the criterion in 10 CSR 60-4.090(4)(D)2.B. (9) Whether the system is in compliance with the particular alternative compliance criterion in 10 CSR 60-4.090(4)(D)1. or 2.

[1]The department may choose to perform calculations and determine whether the treatment technique was met, in lieu of having the system report that information.

(7) Enhanced Filtration and Disinfection Reporting and Record Keeping Requirements. In addition to the reporting and recordkeeping requirements in sections (5) and (8) of this rule, a public water system subject to the requirements of 10 CSR 60-4.055(6) that provides conventional filtration treatment must report monthly to the department the information specified in subsections (7)(A) and (7)(B) of this rule beginning December 16, 2001. In addition to the reporting and recordkeeping requirements in sections (5) and (8) of this rule, a public water system subject to the requirements of 10 CSR 60-4.055(6) that provides filtration approved under 10 CSR 60-4.050(3)(F) must report monthly to the department the information specified in subsection (7)(A) of this rule beginning December 16, 2001. The reporting in subsection (7)(A) of this rule takes the place of the reporting specified in section (4) of this rule.

(A) Turbidity measurements as required by 10 CSR 60-4.050(3)(B) must be reported within ten (10) days after the end of each month the system serves water to the public. Information that must be reported includes:

1. The total number of filtered water turbidity measurements taken during the month;

2. The number and percentage of filtered water turbidity measurements taken during the month which are less than or equal to the turbidity limits specified in 10 CSR 60-4.050(3)(B)1. or 2.; and

3. The date and value of any turbidity measurements taken during the month which exceed 1 NTU for systems using conventional filtration treatment, or which exceed the applicable maximum level.

(B) Systems must maintain the results of individual filter monitoring taken under 10 CSR 60–4.055(6)(D) for at least three (3) years. Systems must report that they have conducted individual filter turbidity monitoring under 10 CSR 60-4.055(6)(D) within ten (10) days after the end of each month

the system serves water to the public. Systems must report the individual filter turbidity measurement results within ten (10) days after the end of each month the system serves water to the public only if measurements demonstrate one (1) or more of the conditions in paragraphs (7)(B)1.–4. of this rule. Systems that use lime softening may apply to the department for alternative exceedance levels for the levels specified in this subsection (7)(B) if they can demonstrate that higher turbidity levels in individual filters are due to lime carryover only and not due to degraded filter performance.

1. For any individual filter that has a measured turbidity level of greater than 1.0 NTU in two (2) consecutive measurements taken fifteen (15) minutes apart, the system must report the filter number, the turbidity measurement, and the date(s) on which the exceedance occurred. In addition, the system must either produce a filter profile for the filter within seven (7) days of the exceedance (if the system is not able to identify an obvious reason for the abnormal filter performance) and report that the profile has been produced or report the obvious reason for the exceedance.

2. For any individual filter that has a measured turbidity level of greater than 0.5 NTU in two (2) consecutive measurements taken fifteen (15) minutes apart at the end of the first four (4) hours of continuous filter operation after the filter has been backwashed or otherwise taken offline, the system must report the filter number, the turbidity, and the date(s) on which the exceedance occurred. In addition, the system must either produce a filter profile for the filter within seven (7) days of the exceedance (if the system is not able to identify an obvious reason for the abnormal filter performance) and report that the profile has been produced or report the obvious reason for the exceedance.

3. For any individual filter that has a measured turbidity level of greater than 1.0 NTU in two (2) consecutive measurements taken fifteen (15) minutes apart at any time in each of three (3) consecutive months, the system must report the filter number, the turbidity measurement, and the date(s) on which the exceedance occurred. In addition, the system must conduct a self-assessment of the filter within fourteen (14) days of the exceedance and report that the self-assessment was conducted. The self-assessment must consist of at least the following components: assessment of filter performance; development of a filter profile; identification and prioritization of factors limiting filter performance; assessment of the applicability of corrections; and preparation of a filter self-assessment report.

4. For any individual filter that has a measured turbidity level of greater than 2.0 NTU in two (2) consecutive measurements taken fifteen (15) minutes apart at any time in each of two (2) consecutive months, the system must report the filter number, the turbidity measurement, and the date(s) on which the exceedance occurred. In addition, the system must arrange for the conduct of a comprehensive performance evaluation by the department or a third party approved by the department no later than thirty (30) days following the exceedance and have the evaluation completed and submitted to the department no later than ninety (90) days following the exceedance.

A. The comprehensive performance evaluation is a thorough review and analysis of a plant's performance-based capabilities and associated administrative, operation and maintenance practices. It is conducted to identify factors that may be adversely impacting a plant's capability to achieve compliance and emphasizes approaches that can be implemented without significant capital improvements. The comprehensive performance evaluation must consist of at least the following components: assessment of plant performance; evaluation of major unit processes; identification and prioritization of performance limiting factors; assessment of the applicability of comprehensive technical assistance; and preparation of a comprehensive performance evaluation report.

B. If the comprehensive performance evaluation results indicate improved performance potential, the system shall implement comprehensive technical assistance. The system must identify and systematically address plant-specific factors. The comprehensive technical assistance is a combination of utilizing comprehensive performance evaluation results as a basis for follow-up, implementing process control priority-setting techniques, and maintaining long-term involvement to systematically train staff and administrators.

[(6)] **(8)** Each system, upon discovering that a waterborne disease outbreak potentially attributable to that water system has occurred, must report that occurrence to the department as soon as possible but no later than by the end of the next business day. If the system is notified by the department or the Department of Health of an outbreak, the reporting requirement of this section is waived.

[(7)] **(9)** A supplier of water is required to submit proof to the department that public notification has been made within ten (10) days of the date that the notice was to have been made. Proof of public notification may include, but is not limited to, a copy of the affidavit of publication, a copy of the public notice, a copy of the mailing list of people sent the public notice**,** or a picture of the posted notices.

*AUTHORITY: section 640.100, RSMo [Supp. 1989] **Supp. 1999**. Original rule filed May 4, 1979, effective Sept. 14, 1979. Amended: Filed April 14, 1981, effective Oct. 11, 1981. Amended: Filed July 12, 1991, effective Feb. 6, 1992. Amended: Filed Dec. 15, 1999.*

PUBLIC COST: This proposed amendment is anticipated to cost the Department of Natural Resources approximately $3,772 in the aggregate and 17 publicly-owned public water systems approximately $9,780 each year the rule is in effect. The rule is anticipated to be in effect in perpetuity.

PRIVATE COST: This proposed amendment is anticipated to cost 5 privately-owned public water systems approximately $4,140 in the aggregate each year the rule is in effect. The rule is anticipated to be in effect in perpetuity.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: A public hearing will be held February 22, 2000, at the DNR Conference Center, 1735 Elm Street, Jefferson City, Missouri. The informational meeting and public hearing on the proposed rulemaking will begin at 10:00 a.m. Requests to comment at the public hearing should be sent in advance to the Public Drinking Water Program at the address provided at the end of this notice.

*Anyone may submit comments in support of or in opposition to this proposed amendment. In preparing comments on the proposed amendment, please include the regulatory citation and the **Missouri Register** page number. Please explain why you agree or disagree with the proposed change, and include alternative options or language for consideration by the commission.*

Written comments must be postmarked or received by March 2, 2000. Comments may be mailed, faxed or E-mailed to: Jerry L. Lane, P.E., Director, Public Drinking Water Program, at P.O. Box 176, Jefferson City, MO 65102. The fax number is (573) 751-3110. The E-mail address is nrmccal@mail.dnr.state.mo.us.

FISCAL NOTE
PUBLIC ENTITY COST

I. RULE NUMBER

Title: 10
Division: 60
Chapter: 7
Type of Rulemaking: Proposed Amendment
Rule Number and Name: 10 CSR 60-7.010 Reporting Requirements

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Cost of Compliance in the Aggregate
Department of Natural Resources	Annualized Aggregate Cost* = $3,772
17 Surface Water Supplies	Annualized Aggregate Costs = $9,780
	Total Costs = $13,552

* Because the rule is anticipated to be in effect in perpetuity, the cost of compliance in the aggregate for the lifetime of the rule cannot be accurately estimated. The total annualized aggregate cost is expected to remain constant for the duration of the rule, except that the estimated cost does not take into account inflationary factors.

III. WORKSHEET

MDNR Costs:
1. Two comprehensive performance evaluations (CPE) CPEs X 40 hours =.04FTE or $2,286
2. 17 filter profiles to inspect X 3 hours per profile = .026FTE or $1,486.
3. DNR average FTE cost including salary, fringe benefits, and equipment is approximately $57,162 for technical staff. The average work hours for an FTE is estimated at 2000 hours.

Water System Costs:
1. 17 filter profiles X six hours @ $30/hour = $3060
2. Four self assessments X 16 hours @ $30/hour = $1920
3. Five systems X 4 hours X 4 quarters per year X $30/hour = $2400
4. Two Comprehensive Performance Evaluations X 40hours @ $30/hour = $2400

IV. ASSUMPTIONS

1. It is assumed that reporting requirements for the individual filter effluent monitoring can trigger follow up action if there are "filter upsets" at an individual filter. It is assumed that as many as 17 filter upsets could occur, requiring a filter profile. To perform a filter profile and to report findings could take six hours each.

2. It is assumed that as many as four self assessments could be required due to individual filter upsets, each taking approximately 16 hours each to resolve.

3 It is assumed that two systems could be required to do a comprehensive performance evaluation (CPE). Each CRE could take 40 hours.

4. It is assumed that five systems could report their own data.

5. It is assumed that DNR technical staff could spend 40 hours working on a CPE and 3 hours reviewing each filter profile.

FISCAL NOTE
PRIVATE ENTITY COST

I. RULE NUMBER

Title: 10
Division: 60
Chapter: 7
Type of Rulemaking: Proposed Amendment
Rule Number and Name: 10 CSR 60-7.010 Reporting Requirements

II. SUMMARY OF FISCAL IMPACT

Entities affected	Classification	Estimated Cost of Compliance in the Aggregate
5	Privately-owned Surface Water Systems serving 10,000 or more people	Annualized Aggregate Cost * =$4,140
		Total Cost = $4,140

* Because the rule is anticipated to be in effect in perpetuity, the cost of compliance in the aggregate for the lifetime of the rule cannot be accurately estimated. The total annualized aggregate cost is expected to remain constant for the duration of the rule, except that the estimated cost does not take into account inflationary factors.

III. WORKSHEET

Private Water System Costs:

1. 1 CPE X 40 hours @ $30/hour = $1200
2. Five filter profiles X 3 hours/profile X 6 hours profile @ $30/hour =$2700
3. 0.5 self assessment X 16 hours @ $30/hour = $240

IV. ASSUMPTIONS

1. It is assumed that reporting requirements for the individual filter effluent monitoring can trigger follow up action if there are "filter upsets" at an individual filter. It is assumed that as many as 5 filter upsets could occur, requiring a filter profile. To perform a filter profile and to report findings could take six hours each.

2. It is assumed that 0.5 systems annually could be required to do a self assessment due to individual filter upsets, each taking approximately 16 hours each to resolve.

3. The assumption is made that one system could be required to perform a CPE due to individual filter upsets.

Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 60—Public Drinking Water Program
Chapter 8—Public Notification

PROPOSED AMENDMENT

10 CSR 60-8.010 Public Notification of Conditions Affecting a Public Water Supply. The commission is amending sections (1), (3) and (7).

PURPOSE: This amendment adds public notice requirements for violations of disinfectants and disinfection byproducts requirements and enhanced surface water treatment requirements. More information about these changes can be found in the federal Disinfection and Disinfectant Byproducts and Interim Enhance Surface Water Treatment Rules published in the December 16, 1998 ***Federal Register*** *(63 FR 69390–69476 and 63 FR 69478-69521).*

(1) Maximum Contaminant Level (MCL), Treatment Technique and Variance and Exemption Schedule Violations. If a public water system fails to comply with an MCL or required treatment technique or fails to comply with the requirements of any schedule prescribed pursuant to a variance or exemption, the supplier of water shall notify persons served by the system as follows:

(A) The supplier of water must give notice—

1. By publication in a daily newspaper of general circulation in the area served by the system as soon as possible, but in no case later than fourteen (14) days after the violation or failure. If the area served by a public water system is not served by a daily newspaper of general circulation, notice shall instead be given by publication in a weekly newspaper of general circulation serving the area;

2. By mail delivery (by direct mail or with the water bill) or by hand delivery not later than forty-five (45) days after the violation or failure. The department may waive mail or hand delivery if it determines that the supplier of water in violation has corrected the violation or failure within the forty-five (45)-day period. The department must make the waiver in writing and within the forty-five (45)-day period; and

3. For violations of **treatment techniques,** the MCLs of contaminants **or maximum residual disinfectant levels (MRDLs)** that the department determines may pose an acute risk to human health, by furnishing a copy of the notice to the radio and television stations serving the area served by the public water system as soon as possible, but in no case later than seventy-two (72) hours after the violation**[;]. Acute violations include but may not be limited to:**

A. Violation of the MCL for nitrate or nitrite;

B. Violation of the MCL for total coliforms, when fecal coliforms or *E. coli* are present in the water distribution system;

C. Violations of the MRDL for chlorine dioxide;

D. Confirmed sample results exceeding five (5) turbidity units; and

E. Any violations specified by the department as posing an acute risk to human health.

(3) Notice to New Billing Units. The supplier of water for a community water system must give a copy of the most recent public notice for any outstanding violation of any MCL**, or any maximum residual disinfectant level,** or any treatment technique requirement**,** or any variance or exemption schedule to all new billing units or new hookups prior to or at the time service begins.

(7) Mandatory Health Effects Language. When providing the information on potential adverse health effects required by section (6), in notices of violations of MCLs or treatment technique requirements, notices of the granting or the continued existence of exemptions or variances, or notices of failures to comply with a variance or exemption schedule, the supplier of water shall include the language specified as follows for each contaminant (if language for a particular contaminant is not specified as follows at the time notice is required, this section does not apply):

(D) Disinfectants.

1. Chlorine. The United States Environmental Protection Agency (EPA) sets drinking water standards and has determined that chlorine is a health concern at certain levels of exposure. Chlorine is added to drinking water as a disinfectant to kill bacteria and other disease-causing microorganisms and is also added to provide continuous disinfection throughout the distribution system. Disinfection is required for surface water systems. However, at high doses for extended periods of time, chlorine has been shown to affect blood and the liver in laboratory animals. EPA has set a drinking water standard for chlorine to protect against the risk of these adverse effects. Drinking water which meets this EPA standard is associated with little to none of this risk and should be considered safe with respect to chlorine.

2. Chloramines. The United States Environmental Protection Agency (EPA) sets drinking water standards and has determined that chloramines are a health concern at certain levels of exposure. Chloramines are added to drinking water as a disinfectant to kill bacteria and other disease-causing microorganisms and are also added to provide continuous disinfection throughout the distribution system. Disinfection is required for surface water systems. However, at high doses for extended periods of time, chloramines have been shown to affect blood and the liver in laboratory animals. EPA has set a drinking water standard for chloramines to protect against the risk of these adverse effects. Drinking water which meets this EPA standard is associated with little to none of this risk and should be considered safe with respect to chloramines.

3. Chlorine dioxide. The United States Environmental Protection Agency (EPA) sets drinking water standards and has determined that chlorine dioxide is a health concern at certain levels of exposure. Chlorine dioxide is used in water treatment to kill bacteria and other disease-causing microorganisms and can be used to control tastes and odors. Disinfection is required for surface water systems. However, at high doses, chlorine dioxide-treated drinking water has been shown to affect blood in laboratory animals. Also, high levels of chlorine dioxide given to laboratory animals in drinking water have been shown to cause neurological effects on the developing nervous system. These neurodevelopmental effects may occur as a result of a short-term excessive chlorine dioxide exposure. To protect against such potentially harmful exposures, EPA requires chlorine dioxide monitoring at the treatment plant, where disinfection occurs, and at representative points in the distribution system serving water users. EPA has set a drinking water standard for chlorine dioxide to protect against the risk of these adverse effects.

A. Systems with a violation at the treatment plant, but not in the distribution system, are required to use the following additional language and treat the violation as a nonacute violation: The chlorine dioxide violations reported today are the result of exceedances at the treatment facility only, and do not include violations within the distribution system serving users of this water supply. Continued compliance with chlorine dioxide levels within the distribution system minimizes the potential risk of these violations to present consumers.

B. Systems with a violation in the distribution system are required to use the following additional language and treat the violation as an acute violation: The chlorine dioxide violations

reported today include exceedances of the EPA standard within the distribution system serving water users. Violations of the chlorine dioxide standard within the distribution system may harm human health based on short-term exposures. Certain groups, including pregnant women, infants, and young children, may be especially susceptible to adverse effects of excessive exposure to chlorine dioxide-treated water. The purpose of this notice is to advise that such persons should consider reducing their risk of adverse effects from these chlorine dioxide violations by seeking alternate sources of water for human consumption until such exceedances are rectified. Local and state health authorities are the best sources for information concerning alternate drinking water; and

(E) Disinfection Byproducts.

1. Disinfection byproducts and treatment technique for DBPs. The United States Environmental Protection Agency (EPA) sets drinking water standards and requires the disinfection of drinking water. However, when used in the treatment of drinking water, disinfectants react with naturally-occurring organic and inorganic matter present in water to form chemicals called disinfection byproducts (DBPs). EPA has determined that a number of DBPs are a health concern at certain levels of exposure. Certain DBPs, including some trihalomethanes (THMs) and some haloacetic acids (HAAs), have been shown to cause cancer in laboratory animals. Other DBPs have been shown to affect the liver and the nervous system, and cause reproductive or developmental effects in laboratory animals. Exposure to certain DBPs may produce similar effects in people. EPA has set standards to limit exposure to THMs, HAAs, and other DBPs.

2. Bromate. The United States Environmental Protection Agency (EPA) sets drinking water standards and has determined that bromate is a health concern at certain levels of exposure. Bromate is formed as a byproduct of ozone disinfection of drinking water. Ozone reacts with naturally occurring bromide in the water to form bromate. Bromate has been shown to produce cancer in rats. EPA has set a drinking water standard to limit exposure to bromate.

3. Chlorite. The United States Environmental Protection Agency (EPA) sets drinking water standards and has determined that chlorite is a health concern at certain levels of exposure. Chlorite is formed from the breakdown of chlorine dioxide, a drinking water disinfectant. Chlorite in drinking water has been shown to affect blood and the developing nervous system. EPA has set a drinking water standard for chlorite to protect against these effects. Drinking water which meets this standard is associated with little to none of these risks and should be considered safe with respect to chlorite.

*AUTHORITY: section 640.100, RSMo [1994] **Supp. 1999**. Original rule filed May 4, 1979, effective Sept. 14, 1979. For intervening history, please consult the **Code of State Regulations**. Amended: Filed Dec. 15, 1999.*

PUBLIC COST: This proposed amendment is anticipated to cost the Department of Natural Resources approximately $2,286 and 40 publicly-owned public water systems approximately $8,400 in the aggregate annually beginning in 2004 and continuing each year the rule is in effect. The rule is anticipated to be in effect in perpetuity.

PRIVATE COST: This proposed amendment is anticipated to cost 6 privately-owned public water systems approximately $1,260 in the aggregate annually beginning in 2004 and continuing each year the rule is in effect. The rule is anticipated to be in effect in perpetuity.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: A public hearing will be held February 22, 2000 at the DNR Conference Center, 1735 Elm Street, Jefferson City, Missouri. The informational meeting and public hearing on the proposed rulemaking will begin at 10:00 a.m. Requests to comment at the public hearing should be sent in advance to the Public Drinking Water Program at the address provided at the end of this notice.

*Anyone may submit comments in support of or in opposition to this proposed amendment. In preparing comments on the proposed amendment, please include the regulatory citation and the **Missouri Register** page number. Please explain why you agree or disagree with the proposed change, and include alternative options or language for consideration by the commission.*

Written comments must be postmarked or received by March 2, 2000. Comments may be mailed, faxed or E-mailed to: Jerry L. Lane, P.E., Director, Public Drinking Water Program, at P.O. Box 176, Jefferson City, MO 65102. The fax number is (573) 751-3110. The E-mail address is nrmccal@mail.dnr.state.mo.us.

FISCAL NOTE
PUBLIC ENTITY COST

I. RULE NUMBER

Title: 10
Division: 60
Chapter: 8
Type of Rulemaking: Proposed Amendment
Rule Number and Name: 10 CSR 60-8.010 Public Notification of Conditions Affecting a Public Water Supply

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	**Estimated Cost of Compliance in the Aggregate (beginning in calendar year 2004)**
Department of Natural Resources	Annualized Aggregate Cost* =$2,286
40 publicly owned surface water systems	Annualized Aggregate Cost = $8,400
	Total Cost = $10,686

*Because the rule in anticipated to be in effect in perpetuity, the cost of compliance in the aggregate for the lifetime of the rule cannot be accurately estimated. The total annualized aggregate cost is expected to remain constant for the duration of the rule, except that the estimated cost does not take into account inflationary factors.

III. WORKSHEET

DNR Costs: 2 hours per MCL X 40 MCLs = 80 hours = .04 FTE or $2,286
Water System Costs: (40 MCLs/year X $120 publication costs) + (3 hours @ $30/hour X 40 MCLs) = $8,400

IV. ASSUMPTIONS

1. Looking at current data, it appears when the new MCLs for TTHMs and HAA5s apply to the smaller water systems beginning in 2004, as many as 40 could violate the MCLs.

2. It is estimated that MDNR staff would spend two hours per MCL tracking the compliance with public notice requirements.

3. DNR average FTE cost including salary, fringe benefits, and equipment and expenses is approximately $57,162 for technical staff. The average work hours for an FTE is estimated at 2000 hours.

4. It is assumed that the cost to publish public notice in a local paper is approximately $120 per notice and that it will take approximately three hours to prepare the notice.

FISCAL NOTE
PRIVATE ENTITY COST

I. RULE NUMBER

Title: 10
Division: 60
Chapter: 8
Type of Rulemaking: Proposed Amendment
Rule Number and Name: 10 CSR 60-8.010 Public Notification of Conditions Affecting a Public Water Supply

II. SUMMARY OF FISCAL IMPACT

Entities affected	Classification	Estimated Cost of Compliance in the aggregate beginning in calendar year 2004
6	Privately owned surface water systems	Annualized Aggregate Cost = $1260

* Because the rule is anticipated to be in effect in perpetuity, the cost of compliance in the aggregate for the lifetime of the rule cannot be accurately estimated. The total annualized aggregate cost is expected to remain constant for the duration of the rule, except that the estimated cost does not take into account inflationary factors beyond 2001

III. WORKSHEET

Private Water System Costs: (6 MCLs/year X $120 publication costs) + (3 hours @ $30/hour X 6 MCLs) = $1260

IV. ASSUMPTIONS

1. Looking at current data, it appears when the new MCLs for TTHMs and HAA5s apply to the smaller water systems beginning in 2004 as many as six could violate the MCLs.

2. It is assumed that the cost to publish public notice in a local paper is approximately $120 per notice and that it will take approximately three hours to prepare the notice.

Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 80—Solid Waste Management
Chapter 9—Solid Waste Management Fund

PROPOSED AMENDMENT

10 CSR 80-9.040 Solid Waste Management Fund—Financial Assistance for Waste Reduction and Recycling Projects. The department is amending sections (1)–(8).

PURPOSE: This amendment contains changes to the procedures and provisions to provide financial assistance for solid waste management projects to any district, county or city of the state or to any other person or entity involved in waste reduction or recycling as provided for in section 260.335.2(5), RSMo. These changes include the addition of a loan program and changes to the grant program that will facilitate the disbursement of funding in areas where they are perceived to be most needed. Other changes are either editorial or to make the rule clearer.

PUBLISHER'S NOTE: The publication of the full text of the material that the adopting agency has incorporated by reference in this rule would be unduly cumbersome or expensive. Therefore, the full text of that material will be made available to any interested person at both the Office of the Secretary of State and the office of the adopting agency, pursuant to section 536.031.4, RSMo. Such material will be provided at the cost established by state law.

(1) Eligibility.

(C) **Solicited** Projects**—Grant Financed**. The funds are to be allocated for **targeted** projects *[with the following purposes, including support activities, such as research and development and education:]* **that are determined to meet statewide waste reduction and recycling priorities. Annually, the department will consult a variety of informational sources to determine which services, materials or activities should be targeted for funding in the subsequent financial assistance cycle. Upon evaluating targeting options and priorities, the department will then present recommendations to the Solid Waste Advisory Board for their advice. In consideration of the recommendations and advice solicited, the department will establish the targeted services, materials and activities that will be eligible to receive financial assistance.**

[1. Waste reduction. For the purpose of this rule, waste reduction projects shall not include activities related to incineration without energy recovery, solid waste disposal and projects otherwise included in recycling; and

2. Recycling. Recycling projects shall include, but not be limited to, market development, processing/collection and composting.]

(D) Costs.

1. In-kind contributions. In-kind contributions are allowable project costs when they directly benefit and are specifically identifiable to the project.

2. Eligible costs. Applicants can request monetary assistance in the operation of eligible projects for the following types of costs. Eligible costs *[will]* **may** vary depending on the *[specific category of project]* **targeted services, materials and activities**, as specified in the *[appropriate]* **financial assistance** application.

A. Collection, processing, manufacturing or hauling equipment;

B. *[Materials and labor for construction of buildings]* **Equipment installation costs including installation freight or retrofitting of the equipment**;

C. *[Engineering or consulting fees]* **Salaries directly related to the project**;

D. *[Equipment installation costs including installation, freight or preparation of the equipment]* **Development and distribution of informational materials**;

E. *[Laboratory analysis costs]* **Planning and implementation of informational forums including, but not limited to, workshops**;

F. *[Salaries directly related to the project]* **In-state travel necessary for project completion**;

G. *[Development and distribution of education materials]* **Buildings; and**

H. *[Planning and implementation of education forums including, but not limited to, workshops.]* **Retrofitting of buildings.**

[I. Overhead costs directly related to the project; and

J. Travel necessary for project completion.]

3. Ineligible costs. The following costs are considered ineligible for project funding:

A. Operating expenses, such as staff salaries and expenses, that are not directly related to the project activities;

B. Costs incurred before **and after** the project *[start date]* **period**;

C. Taxes;

D. Legal costs;

E. Contingency funds; and

F. Land acquisition.

(E) Unsolicited Projects—Loan Financed. Funds are to be allocated from a loan subaccount of the Solid Waste Management Fund for waste reduction and recycling projects. Applications for projects funded by a loan may be submitted at any time.

1. Eligible costs. Applicants can request monetary assistance in the operation of eligible projects for items of nonexpendable equipment.

2. All other costs are ineligible.

(2) Financial Assistance Awards **to Grant and Loan Recipients**.

(B) Grant Awards as a Percent of Total Funds Available. No less than twenty-five percent (25%) of the funds made available annually by this rule shall be allocated as grant awards. Funds not expended for **targeted** grants shall be allocated as other forms of credit or credit enhancements**, including loans**.

(C) Maximum Amounts.

1. The total amount of funds available for eligible projects under this rule will be determined annually by the department, subsequent to appropriations by the state legislature.

2. The maximum amounts available from the Solid Waste Management Fund for **targeted waste reduction and recycling activities is up to one hundred twenty-five thousand dollars ($125,000) per** project**.** *[categories are as follows:]*

[A. Waste reduction projects shall be one hundred twenty five thousand dollars ($125,000);

B. Recycling activities shall be one hundred thousand dollars ($100,000); and

C. Incineration with energy recovery activities shall be seventy five thousand dollars ($75,000).]

3. The maximum loan amount for unsolicited projects shall not exceed twenty-five percent (25%) of the revolving loan fund balance on the date the loan is approved and shall be determined by the department on a case-by-case basis.

(D) Match Share for Grants. *[An applicant for a grant shall agree to provide the match for the grant as required in this rule.]* **A twenty percent (20%) applicant match is required.**

[1. Waste reduction match is ten percent (10%).

2. Collection/processing match is twenty-five percent (25%).

3. Composting match is twenty-five percent (25%).

4. Market development match is twenty-five percent (25%).

5. Waste energy match is fifty percent (50%).

6. Match requirements for education and research and development projects will be based on the type of activity supported as identified in paragraphs (2)(D)1.–5. of this rule.]

(3) Application Requirements for Financial Assistance.

(A) *[An]* **All grant and loan** applicants shall submit *[completed]* **proposals on** application forms provided by the department. The application must include all **applicable** documentation as stated in section (4) as necessary in order to be considered complete.

(B) **In addition to the information required in section (4),** *[A]* **a** loan applicant shall document the financial ability to repay the loan by submitting a completed loan application **on** forms **approved by the department**.

(C) An applicant shall submit evidence that a licensed professional engineer has approved any engineering plans, studies or specifications necessary for the project, if required in the application pertinent to the project *[category]*.

(D) Applications **for solicited grants** shall be *[provided]* **submitted** by the deadline established by the department to be eligible for funding. Application materials received after the deadline shall be returned to the applicant and shall not be considered.

(E) Applications for unsolicited loan projects may be submitted to the department at any time.

(4) Proposal Content and Supporting Documents. *[The]* **A project** proposal*[s]* shall **be required for both grant and loan applicants and should** include the following information**, as appropriate**:

1. An executive *[statement]* **summary** of the project objectives and the problem to be solved. This should be no longer than two (2) pages;

2. The location of the project;

3. A work plan which identifies project tasks, the key personnel and their qualifications;

4. A timetable showing anticipated dates for major planned activities and expenditures, including the submittal of quarterly reports and the final report;

5. An estimate of the costs for conducting the project, itemized to show the total budget of eligible items only. Estimates shall be provided for all major planned activities or purchases and shall be supported by documentation showing how each cost estimate was determined. The budget must delineate the percentages and dollar amounts of the total project costs by categories of state and applicant contributions, if a match is required;

6. Verification that all applicable federal, state and local permits, approvals, licenses or waivers necessary to implement the project have been obtained or applied for and will be obtained prior to an award **and demonstrate that the project is in zoning compliance**;

7. A description of the evaluation procedures to be used throughout the project to quantitatively measure the success of the project **including amount of waste diversion, if applicable; or other measure as specified for a targeted activity**;

8. Documentation that shows a commitment for the match, if applicable;

9. Provide or show evidence of a request for a letter of endorsement from the executive board of the solid waste management district in which the project is physically located or from the city or county governing body responsible for the solid waste decision making, if the county has not joined a solid waste management district;

[9.] **10.** The following supporting documents for projects involving assistance over twenty thousand dollars ($20,000):

A. To demonstrate technical feasibility, a preliminary project design, engineering plans and specifications for any facilities and equipment *[required for a proposed object]*; and

B. *[A financial report, including]* **Financial information, including**:

(I) *[A three (3) year business plan. For projects involving collection/processing, composting, market development and waste-to-energy,]* **A marketing plan.** *[t]***T**he plan shall include a market analysis with information demonstrating that the applicant has secured *[the supply of and demand for secondary material and recycled products necessary for sustained business activity]* **the commitments necessary to complete the project**;

(II) A description of project financing, including projected revenue from the project**, if applicable**;

(III) *A [credit history]* **letter of credit**; and/**or**

[(IV) Up to] three (3) years' previous financial statements or reports*[.]***; and**

[10.] **11.** Confidential business information and availability of information. Any person who submits information to the department in accordance with this rule may assert a claim of business confidentiality covering a part or all of that information by including a letter with the information which requests protection of specific information from disclosure. The department shall handle specific information as nonpublic data upon review and approval by legal counsel, as per Chapter 610, RSMo. However, if no claim accompanies the information when it is received by the department, the information may be made available to the public without further notice to the person submitting it.

(5) Proposal Review and Evaluation.

(A) The department shall evaluate each **grant** proposal that is determined to be eligible *[and complete]*, using the evaluation method as established by the department and the **Environmental Improvement and Energy Resources Authority (EIERA) and with the advice of the** Solid Waste Advisory Board. The department *[shall submit the]* **will present a list of approved** proposals *[in rank order for approval]* to the Solid Waste Advisory Board.

(B) *[The evaluation criteria shall include the following criteria, as appropriate per project category:]* **A committee made up of representatives from the Department of Natural Resources' Solid Waste Management Program, the Environmental Improvement and Energy Resources Authority and other state agencies, as applicable, shall evaluate each loan proposal that is determined to be eligible using the evaluation method established by the department and with the advice of the Solid Waste Advisory Board. This committee shall submit recommended loan proposals to the department for approval. The department will present each approved loan proposal to the Solid Waste Advisory Board.**

(C) For all proposals funded by grants or loans, the evaluation method shall include the following core criteria, as appropriate:

1. Conformance with the integrated waste management hierarchy as described in the *Missouri Policy on Resource Recovery***, as incorporated by reference in this rule**;

2. Conformance with the State Targeted Materials List;

3. Degree to which the project contributes to community-based economic development;

4. Degree to which funding to the project will adversely affect existing private entities in the market segment;

[4.] **5.** Degree to which the project promotes waste reduction or recycling through the proposed process;

[5.] **6.** Demonstration of cooperative efforts through a public/private partnership or among political subdivisions;

[6.] **7.** Compliance with federal, state or local requirements;

[7.] **8.** Transferability of results;

[8.] **9.** The statewide need for the information;

[9.] **10.** Technical ability of the applicant;

[10.] **11.** Managerial ability of the applicant;

[11.] **12.** Ability to implement in a timely manner;

[12.] **13.** Technical feasibility;

[13.] **14.** Availability of *[feedstock]* **commitments necessary to conduct the project**;

[14.] **15.** Level of commitment for financing;

[15.] **16.** Type of contribution by applicant;

[16.] **17.** Effectiveness **and quality** of marketing strategy;

[17.] **18.** Quality of budget; and

[18.] **19.** Selected financial ratios.

(6) Project Awards. Before awarded funds are distributed to *[an applicant, the recipient]* **any proposed awardee, they** shall do the following:

(B) Enter into a financial assistance agreement issued by the department.*[; and*

(C) Provide or show evidence of a request for a letter of endorsement from the executive board of the solid waste management district in which the project is physically located or from the city or county governing body responsible for solid waste decision making, if the county has not joined a solid waste management district.]

(7) Project Reports.

(A) Quarterly Reports. Projects receiving financial assistance through this rule shall submit to the department, at no less than three (3)-month intervals, a report which contains the following:

1. The details of progress, including the volume **or weight** of waste *[disposal abatement]* **diverted** for each type of recovered material utilized in the project, if appropriate;

2. Problems encountered in project execution; and

3. Other information necessary for proper evaluation of the project.

(8) Accountability.

(B) Projects receiving financial assistance through this rule shall maintain an accounting system *[according to generally accepted accounting principles]* that accurately reflects all fiscal transactions, incorporates appropriate controls and safeguards, and provides clear references to the project proposal. Accounting records must be supported by source documentation such as canceled checks, paid bills, payrolls, time and attendance records, contracts and agreement award documents. **These documents shall be made available to the department upon request at any time during the term of the financial assistance agreement and for the three (3)-year retention period after the grant as required by subsection (8)(E) of this rule.**

(D) Project officials must invoice the department for all project costs within one hundred eighty (180) days of the end date of the project or funds may be disencumbered and no longer made available for the reimbursement of project costs.

*[(D)]***(E)** Retention and Custodial Requirements for Records.

1. Projects receiving financial assistance through this rule shall retain all records and supporting documents directly related to the project **during the term of the agreement and** for a period of three (3) years from the date of submission of the final status report and make them available to the department.

2. If any litigation, claim, negotiation, and audit or other action involving the records has been started before the expiration of the three (3)-year period, the records must be retained until completion of the action and resolution of all issues which arise from it, or until the end of the regular three (3)-year period, whichever is later.

*[(E)]***(F)** All general terms and conditions of the department applicable to the recipients of financial assistance will be applicable to projects funded *[through the Waste Reduction and Recycling Projects Financial Assistance Program,]* to include *[among others]* **but not limited to the following**: the utilization of minority, women's and small disadvantaged business enterprise firms; compliance with the Davis Bacon Act; and the use of recycled paper.

*AUTHORITY: sections 260.225 and 260.335, RSMo [Supp. 1990] **Supp. 1999**. Emergency rule filed Aug. 4, 1992, effective Oct. 1, 1992, expired Jan. 28, 1993. Original rule filed Aug. 4, 1992, effective April 8, 1993. Amend Filed Dec. 14, 1999.*

PUBLIC COST: This proposed amendment is estimated to cost the Missouri Department of Natural Resources and public entity applicants $20,824 in fiscal year 2001 and $5,033 in fiscal year 2002 and $3,544 in fiscal year 2003 and each year thereafter. However, this proposed amendment represents a reallocation of duties for the Department of Natural Resources' (DNR) positions depicted in the fiscal note. The DNR public sector expenses identified in the fiscal note are associated with these reallocations, some of which are currently being incurred, and may not represent new or additional costs.

PRIVATE COST: This proposed amendment will not cost private entities more than $500 in the aggregate. The cost of implementing the new managed competition criterion will be for public entity grant applicants only and will not cost private entity grant applicants any additional money.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: The Missouri Department of Natural Resources will hold a public hearing on this rule action and others beginning at 9:30 a.m, on February 16, 2000, in the Bennett Springs and Roaring River Conference Rooms at 1738 E. Elm Street, Jefferson City, Missouri. Any person may submit written comments on this rule action. Written comments shall be sent to the Director of the Solid Waste Management Program, P.O. Box 176, Jefferson City, MO 65102. To be accepted, written comments must be postmarked by midnight on February 21, 2000. Faxed or E-mailed correspondence will not be accepted.

Please direct all inquiries to the Financial Assistance Unit Chief of the Solid Waste Management Program at (573)522-3734.

FISCAL NOTE
PUBLIC ENTITY COST

I. RULE NUMBER

Title: Department of Natural Resources

Division: Solid Waste Management Program

Chapter: Solid Waste Management Fund

Type of Rulemaking: Proposed Amendment

Rule Number and Name: 10 CSR 80-9.040 Solid Waste Management Fund – Financial Assistance for Waste Reduction and Recycling Projects

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	First Year Estimated Cost of Compliance	Second Year Estimated Cost of Compliance	Third Year Estimated Cost of Compliance
Department of Natural Resources[1]	$19,803	$3,499	$1,498
Public Entity [2]	$1,022	$1,535	$2,046
Total	$20,825	$5,034	$3,544

[1] These are annualized costs to the DNR to plan, develop, and implement procedures for a revolving loan program and to implement changes to the current grant program that both allows for managed competition and targets statewide needs. The duration of this rule cannot be estimated so annualized aggregate costs are provided over the first three years of implementation with third year costs representing a stabilized annual aggregate cost for the remaining life of the rule.

[2] These are annualized costs to Public Entities who may apply for a grant to implement changes to the current grant program that fosters and promotes managed competition. Additional requirements include the posting of public notices and responding to public comment on how the project will adversely affect the way existing private entities do business in the market segment. This analysis does not consider any additional cost to apply for a new loan over and above the current cost to apply for a project grant. The duration of this rule cannot be estimated so annualized aggregate costs are provided over the first three years of implementation with the third year costs representing a stabilized annual aggregate cost for the remaining life of the rule.

III. WORKSHEET

1. Personnel costs for both state merit employees and other public employees are calculated using step "O" of the fiscal year 2000 merit pay plan produced by the Missouri Commission on Management and Productivity. Annual salaries are obtained by multiplying monthly salaries by twelve. Fringe benefits are included by multiplying annual salaries by 1.27. A fixed sum of $8,745 is then added for equipment and expenses – the standard for existing merit employees. Finally, this total is multiplied by 1.248 to provide for indirect costs. Fully adjusted average hourly costs are then derived by dividing the above fully adjusted annual cost by 2080 Full-Time Equivalent hours. All adjustment factors are consistent with factors employed in the Fiscal Year 2000 (FY00) Solid Waste Management Program budget.

2. The program estimates that over the first year of implementation FY00 there will be two targeted grant applications from public entities and two applications for low interest loans. Over the second year these figures would increase to three applications from public entities and three applications for low interest loans. Over the third year the figures are expected to stabilize at four applications from public entities and four applications for low interest loans.

3. Below is the estimated time spent by the Solid Waste Management Program staff to plan, develop, and implement procedures regarding a new loan program and to carry out the changes to the current grant program that both fosters managed competition and targets statewide needs:

Time (hours)

Employee Type	MDNR (Reallocated Hours)		
	1st Year	2nd Year	3rd Year
Planner II	480 hours	80 hours	24 hours
Clerk Typist II	80 hours	16 hours	12 hours
Management Analyst Spec. II	48 hours	12 hours	12 hours

4. Cost Calculation for MDNR Personnel
Planner II salary = $3,169/month
Annual Cost = {[($3,169)(12)(1.27)]+$8,745}(1.248) = $71,187
Hourly Cost = $71,187/2080 = $34.22/hour
Annualized Costs (First Year) = ($34.22)(480) = $16,426
Annualized Costs (Second Year) = ($34.22)(80) = $2,738
Annualized Costs (Third Year) = ($34.22)(24) = $821

Clerk Typist II = $1,713/month
Annual Cost = {[($1,713)(12)(1.27)]+$8,745}(1.248) = $43,494
Hourly Cost = $43,494/2080 = $20.91/hour
Annualized Costs (First Year) = ($20.91)(80) = $1,673
Annualized Costs (Second Year) = ($20.91)(16) = $335
Annualized Costs (Third Year) = ($20.91)(12) = $251

Management Analyst Specialist II = $3,308/month
Annual Cost = {[($3,308)(12)(1.27)]+$8,745}(1.248) = $73,830
Hourly Cost = $73,830/2080 = $35.50/hour
Annualized Cost (First Year) = ($35.50)(48) = $1,704
Annualized Cost (Second Year) = ($35.50)(12) = $426
Annualized Cost (Third Year) = ($35.50)(12) = $426

Sum DNR (First Year) = $19,803
Sum DNR (Second Year) = $3,499
Sum DNR (Third Year) = $1,498

5. It is estimated that two public entities will apply for targeted grants the first year, three public applicants the second year, and four public applicants the third and subsequent years. Below is the estimated additional time spent by a public entity to apply for statewide targeted grants and to comply with the managed competition criteria as incorporated in 10 CSR 80-9.040:

Time (hours*)

Employee Type	Public Applicant/Per Application		
	1st Year	2nd Year	3rd Year
Planner II	10 hours	10 hours	10 hours
Clerk Typist II	3 hours	3 hours	3 hours
Management Analyst Spec. II	3 hours	3 hours	3 hours

* Hours worked on an application
Cost calculation for Public Entity
Planner II (same as fully adjusted hourly cost as for DNR: $34.22/hour)
Annualized Cost (First Year) = ($34.22)(10)(2) = $684
Annualized Cost (Second Year) = ($34.22)(10)(3) = $1,027

Annualized Cost (Third Year) = ($34.22)(10)(4) = $1,369

Clerk Typist II (same as fully adjusted hourly cost as for DNR: $20.91/hour)
Annualized Cost (First Year) = ($20.91)(3)(2) = $125
Annualized Cost (Second Year) = ($20.91)(3)(3) = $188
Annualized Cost (Third Year) = (20.91)(3)(4) = $251

Management Analyst Specialist II (same as fully adjusted hourly cost as for DNR: $35.50/hour)
Annualized Cost (First Year) = ($35.50)(3)(2) = $213
Annualized Cost (Second Year) = ($35.50)(3)(3) = $320
Annualized Cost (Third Year) = ($35.50)(3)(4) = $426

Sum for Public Applicant (First Year) = $1,022
Sum for Public Applicant (Second Year) = $1,535
Sum for Public Applicant (Third Year) = $2,046

IV. ASSUMPTIONS

1. This amendment to 10 CSR 80-9.040 becomes effective August 31, 2000.
2. Annualized aggregate costs are provided, because the duration of this rule cannot be estimated. The annualized aggregate cost in the third year, as estimated, is expected to remain constant for the remaining duration of the rule.
3. All costs are in constant FY00 dollars. No inflation factors are utilized to adjust for inflation in the out years.
4. Estimates assume a constant regulatory atmosphere that requires no additional reporting or standards beyond those currently required.
5. Estimates assume there will be no new or sudden advances in technology that would impact on costs.
6. This fiscal note is not in lieu of the requirements or a model for compliance with this rule. The examples used for cost calculations are good-faith estimates and averages using the department's professional judgement.
7. Affected entities are required to be in compliance with all applicable environmental laws and regulations.
8. The universe of affected entities is based on the information on hand as of November 1999 and all other things being equal.
9. The division of affected agencies into classifications is based on the premise that the costs required by this rule apply equally to all entities within each classification.
10. This fiscal note is provided to comply with State Law. The costs of this rule to the Department of Natural Resources are actually a reallocation of costs for the changing duties resulting from the changes to the grant program and the institution of the loan program in this rule. The majority of costs is currently borne by the department, and does not constitute new expenses.
11. Costs to Public applicants represent estimated costs of compliance with managed competition criteria added to the rule.

Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 80—Solid Waste Management
Chapter 9—Solid Waste Management Fund

PROPOSED AMENDMENT

10 CSR 80-9.050 Solid Waste Management Fund—District Grants. The department is amending sections (1)–(6).

PURPOSE: This amendment changes some of the procedures and provisions for solid waste management districts to qualify for grant funds from the Solid Waste Management Fund in order to be in compliance with section 260.335.2(4), RSMo. Other changes are made to make the rule clearer and to follow policy and procedures already in place.

PUBLISHER'S NOTE: The publication of the full text of the material that the adopting agency has incorporated by reference in this rule would be unduly cumbersome or expensive. Therefore, the full text of that material will be made available to any interested person at both the Office of the Secretary of State and the office of the adopting agency, pursuant to section 536.031.4, RSMo. Such material will be provided at the cost established by state law.

(1) Eligibility.

(A) Definitions. Definitions for key words used in this rule may be found in 10 CSR 80-2.010. Additional definitions specific to this rule are as follows:

1. Executive board. The board established by the district's solid waste management council or by the alternative management structure chosen by a district as provided for in section 260.310.4(2), RSMo;

2. Project. Project means all **approved** components of an organized undertaking described in a proposal, including any supporting documents as required by project type; and

3. Solid Waste Management Fund. The fund established to receive the tonnage fee charges submitted by sanitary and demolition landfills for waste disposed of in Missouri and transfer stations for waste transported out of state for disposal.

(C) Projects. The district grant funds are to be allocated for projects in accordance with the following provisions:

1. Grant monies made available by this rule shall be allocated by the district for projects contained within the district's approved solid waste management plan. **These funds will be used for solid waste management projects as approved by the department.** However, no grant funds will be made available for incineration without energy recovery *[or solid waste disposal area projects]*;

[2. In the event that the district solid waste management plan has not been submitted to or approved by the department, any eligible projects approved by the district and allocated monies made available by this rule shall be included in the district's solid waste management plan prior to submission or approval;]

[3.] **2.** In the event that the district solid waste management plan has *[approved by the department, any eligible projects approved by the district and allocated monies made available by this rule, but not contained within the approved plan,]* **not been submitted to the department, any eligible projects approved by the district and allocated monies made available by this rule** shall be *[considered an addenda to the approved plan.]* **included in the district's solid waste management plan prior to submission;** *[The addenda will be evidenced by the quarterly and final project reports required under subsections (4)(B) and (C) of this rule]*

3. In the event that the district solid waste management plan has been submitted to the department, any eligible projects approved by the district and allocated monies made available by this rule, but not contained within the plan, shall be considered an addenda to the plan. *[Any project serving as an addenda to the plan in this manner must be included in the revision of the district's plan when submitted to the department]* **The addenda will be evidenced in quarterly and final project reports required under subsections (4)(B) and (C) of this rule. Projects serving as addenda to the plan in this manner must be included in any documents required by the department to be submitted by the districts that update the plan or that verify implementation of the plan** pursuant to section 260.325.5., RSMo; *[and]*

4. District grant funds will not be awarded for a project whose applicant is directly involved in the evaluation and ranking of that particular project*[.]***; and**

5. District grant funds may be withheld if the district has an unresolved audit with significant findings or questioned costs.

(D) Grant Funds.

1. *[Twenty-five percent (25%)]* **As determined by statute, an amount** of the revenue generated from the solid waste tonnage fee collected *[within each region]* and deposited in the Solid Waste Management Fund may be allocated annually to the executive board of each officially recognized solid waste management district for district grants**.** *[, based]* **Further, each officially recognized solid waste management district may be allocated,** upon appropriation*[.]***, a minimum amount of forty-five thousand dollars ($45,000) for district grants pursuant to section 260.335.2(3), RSMo.**

2. Up to *[sixty percent (60%)]* **forty percent (40%)** of the grant money available to a district under subsection (1)(D) of this rule within a fiscal year may be allocated for *[district-wide]* projects **that further plan implementation** and at least *[forty percent (40%)]* **sixty percent (60%)** shall be allocated for projects of cities and counties within the district.

3. Any regional monies available to a district but not awarded or expended **with**in *[a]* **twenty-four (24) months of the** state fiscal year **in which it was allocated** due to insufficient or inadequate project, as determined by the district's executive board **or the department**, may be reallocated pursuant to section 260.335.2*[(5)]***(4)**, RSMo of the Missouri Solid Waste Management Law. *[Inadequate projects are those that are incomplete or ineligible as described in subsections (1)(C), (2)(B) and paragraph (2)(C)1. of this rule.]*

(E) Costs.

1. In-kind contributions. In-kind contributions are allowable project costs when they directly benefit and are specifically identifiable to the project. Ineligible costs, other than acquisition of privately owned land, are not allowable as in-kind contributions.

2. Eligible costs. Applicants can request monetary assistance in the operation of eligible projects for the following types of costs. Eligible costs may vary depending on the services, materials and activities, as specified in the financial assistance application:

A. Collection, processing, manufacturing or hauling equipment;

B. Materials and labor for construction of buildings;

C. Engineering or consulting fees;

D. Salaries directly related to the project;

E. Equipment installation costs including installation freight or retrofitting of the equipment;

F. Development and distribution of informational materials;

G. Planning and implementation of informational forums including, but not limited to, workshops;

H. Travel as necessary for project completion;

I. Overhead costs directly related to the project; and

J. Laboratory analysis costs.

[2.] **3.** Ineligible costs. The following costs are considered ineligible for district grant funding:

A. Operating expenses *[of local, county and district government]*, such as salaries and expenses that are not directly related to the project activities;

B. Costs incurred before the project start date **or after the project end date**;

C. Taxes;

D. Legal costs;

E. Contingency funds; and

F. Land acquisition.

(2) District Fund Procedures.

(A) Notification.

1. Notification by the department. To initiate the process of awarding funds for district solid waste management plan projects, the department annually shall notify the executive board of each district of the amount of grant funds for which the district is eligible. This notification will be provided to districts by the department no later than November 30 of each fiscal year and will stipulate the deadline by which approved project documentation must be submitted to the department by the executive board.

2. Notification by the districts. *[Following the notification by the department, the district executive boards shall request project proposals by giving written notification to the governing officials of each county and city over five hundred (500) in population and by publishing a notice in a newspaper officially designated by the presiding commissioner of each county, for public notices for every county and city with a population over five hundred (500) within the district.]* **The district executive boards shall request project proposals by giving written notification to the governing officials of each county and city over five hundred (500) in population and by publishing a notice in a newspaper officially designated by the presiding commissioner of each county, for public notices for every county and city with a population over five hundred (500) within the district. Notification may begin no sooner than July 1 of each fiscal year.**

(B) Proposal Content and Supporting Documents. The districts shall**, as appropriate,** require the proposals to include **but not be limited to** the following information:

1. An executive summary of the project objectives and the problem to be solved, including the page numbers of the solid waste management plan component **to which** it applies *[to, if included in an approved plan]*. This should be no longer than two (2) pages;

2. The location of the project **and name, address and phone number of the official subgrant recipient**;

3. A work plan which identifies project tasks, the key personnel and their qualifications;

4. A timetable showing anticipated dates for major planned activities and expenditures, including the submittal of quarterly reports and the final report;

5. **A budget that includes a** *[An]* **an** estimate of the costs for conducting the project. Estimates shall be provided for all major planned activities or purchases **by category** and shall be supported by documentation showing how each cost estimate was determined. If the *[district requires]* **project includes** matching funds *[for their projects]*, the budget must delineate the percentages and dollar amounts of the total project costs for both district funds and applicant contributions;

6. Verification that all applicable federal, state and local permits, approvals, licenses or waivers necessary to implement the project **are either not needed or** have been obtained or applied for and will be obtained prior to an award;

7. **Demonstration of compliance with local zoning ordinances;**

[7.] **8.** A description of the evaluation procedures to be used throughout the project to quantitatively and *[quantitatively]* **qualitatively** measure the success of the project;

[8.] **9.** Documentation that shows a commitment for the match, if applicable;

[9.] **10.** The following supporting documents for projects involving allocations over twenty thousand dollars ($20,000):

A. To demonstrate technical feasibility, a preliminary project design, engineering plans and specifications for any facilities and equipment required for a proposed project;

B. A financial report including:

(I) A three (3)-year business plan. For projects involving recycling and reuse technologies, the plan shall include a market analysis with information demonstrating that the applicant has secured the supply of and demand for recovered material and recycled products necessary for sustained business activity;

(II) A description of project financing, including projected revenue from the project; **and**

(III) A credit history; and/**or**

*[(IV) U]***u**p to three (3) years' previous financial statements or reports; and

10. Confidential business information and availability of information. Any person may assert a claim of business confidentiality covering a part or all of that information by including a letter with the information which requests protection of specific information from disclosure. Confidentiality shall be determined or granted in accordance with Chapter 610, RSMo. However, if no claim accompanies the information when it is received by the department, the information may be made available to the public without further notice to the person submitting it.

(C) Proposal Review and Evaluation. The executive boards must review, rank and approve proposals as outlined in this subsection.

1. Review for eligibility and completeness. For all proposals received by the deadline as established in their public notices to the media, the board shall determine the eligibility of the applicant, the eligibility of the proposed project, the eligibility of the costs identified in the proposal and the completeness of the proposal.

2. Notice of eligibility and completeness. If the district executive board determines that the applicant or the project is ineligible or incomplete, the board *[shall]* **may** reject the proposal and **shall** notify the applicant. A project may be resubmitted up to the application deadline.

3. Proposal evaluation. The executive board shall evaluate each proposal that is determined to be eligible and complete. The board will develop a District Targeted Materials List to be used as one of the evaluation criteria. The evaluation method will include the following criteria, as appropriate per project category:

A. Conformance with the integrated waste management hierarchy as described in the *Missouri Policy on Resource Recovery***, as incorporated by reference in this rule**;

B. Conformance with the District Targeted Materials List;

C. Degree to which the project contributes to community-based economic development;

D. Degree to which funding to the project will adversely affect existing private entities in the market segment;

[D.] **E.** Degree to which the project promotes waste reduction or recycling through the proposed process;

[E.] **F.** Demonstrates cooperative efforts through a public/private partnership or among political subdivisions;

[F.] **G.** Compliance with federal, state or local requirements;

[G.] **H.** Transferability of results;

[H.] **I.** The need for the information;

[I.] **J.** Technical ability of the applicant;

[J.] **K.** Managerial ability of the applicant;

[K.] **L.** Ability to implement in a timely manner;

[L.] **M.** Technical feasibility;

[M.] **N.** Availability of feedstock;

[N.] **O.** Level of commitment for financing;

[O.] **P.** Type of contribution by applicant;

[P.] **Q.** Effectiveness of marketing strategy;

[Q.] **R.** Quality of budget; and

[R.] **S.** Selected financial ratios.

(3) Project Documentation.

(A) Proposals. The following documentation should be submitted to the department by the deadline established by the department in the notification to the executive board:

1. The executive summaries of the eligible proposals submitted to the executive board;

2. The aggregate executive board rankings for each of the eligible proposals using the evaluation criteria as described in paragraph (2)(C)3.;

3. Copies of all approved project proposals and supporting documents. The documentation must indicate if the project is considered a *[district-wide]* **plan implementation** or a city/county activity; and

4. A copy of the notices given to the governing bodies and published in the newspapers within the district.

(B) Quarterly Reports.

1. The district shall submit to the department, at the end of each **state** fiscal year quarter, a report which contains the following for each project in progress:

A. The details of progress, including the volume **or weight in tons** of waste *[disposal abatement]* **diverted** for each type of recovered material utilized in the project, if appropriate;

B. Problems encountered in project execution;

C. Budget adjustments made within budget categories, with justifications; and

D. Other information necessary for proper evaluation of the progress of the projects.

2. In the event that a time period for a project is less than a full year, only quarterly information appropriate to the project time period need be included in the district report.

(C) Final Report. The district shall submit to the department a final report for each project, within thirty (30) days of the project completion date as stated in the financial assistance agreement, that shall contain the same information as described for quarterly reports in subsection (4)(B) of this rule, as well as a comparison of actual accomplishments to the goals established and *[reasons why]* **a description as to how** goals were either **met,** not met or were exceeded.

(4) Executive Board Accountability.

(B) An executive board receiving funds from the Solid Waste Management Fund for district grants shall themselves maintain, and require recipients of financial assistance to maintain, an accounting system according to *[generally accepted accounting principles]* that accurately reflects all fiscal transactions, incorporates appropriate controls and safeguards, and provides clear references to the project *[proposal]* **as agreed to in the Financial Assistance Agreement**. Accounting records must be supported by source documentation such as cancelled checks, paid bills, payrolls, time and attendance records, contract, and agreement award documents.

(C) The executive board shall retain fifteen percent (15%) of the funds from the recipient until the board gives approval to the **recipient's** final report and the final accounting of project expenditures.

(E) All general **and special** terms and conditions of the department applicable to the project will be applicable to recipients of awards made available by this chapter.

(F) *[Funding for approved grants will be forwarded to the districts by the department for each grant when the department receives]* **The executive board shall address all deficiencies identified in** a *[completed financial assistance agreement for that particular grant]***district's audit to the satisfaction of the department. Districts failing to adequately address deficiencies identified in the audit may not be eligible to receive any further funding and may be required to repay any and all disbursements of funds**.

(G) Funding for approved subgrants will be forwarded to the districts upon receipt of a completed, signed and dated invoice and financial assistance agreement for each individual subgrant.

(5) Awards.

(B) Project Awards.

1. All district grant awards are subject to the appropriation process. The department cannot guarantee funding of a district-approved project **more than twenty-four (24) months** after the *[close of the fiscal year in which the project was approved]* **date it has been awarded**. **After which time it will be reallocated pursuant to section 260.335.2(4), RSMo of the Missouri Solid Waste Management Law.**

2. Before awarded funds are distributed to *[an applicant]* **a subgrantee**, the *[applicant]* **subgrantee** shall do the following:

A. Obtain all applicable federal, state and local permits, approvals, licenses or waivers required by law and necessary to implement the project;

B. Enter into a financial assistance agreement issued by the district which is consistent with the **Solid Waste Management Law and** department*['s]* **rules and all** terms and conditions **of the district's grant agreement***[.]***; and**

C. Submit all required quarterly reports.

(6) *[No District Grant Award or Reduced District Grant Award.]* The department may withhold or reduce district grant awards until the district is in compliance with the following *[requirements]*:

(A) *[Section (5) of this rule; and]* **Solid Waste Management Law**

(B) Planning requirements pursuant to **section** 260.325.3. and .5., RSMo*[.]***;**

(C) All applicable rules;

(D) All general and special terms and conditions of the district's grant agreement; and

(E) Audit requirements.

*AUTHORITY: sections 260.225 and 260.335, RSMo [Supp. 1990] **Supp. 1999**. Emergency rule filed Dec. 2, 1992, effective Dec. 12, 1992, expired April 11, 1993. Original rule filed Dec. 2, 1992, effective Aug. 9, 1993. Amended: Filed Dec. 14, 1999.*

PUBLIC COST: This proposed amendment is estimated to cost the Missouri Department of Natural Resources $24,596 in fiscal year 2001 and $18,389 in fiscal year 2002 and $17,252 in fiscal year 2003 and each year thereafter. However, this proposed amendment represents a reallocation of duties for the positions depicted in the fiscal note. The public sector expenses identified in the fiscal note are associated with these reallocations, some of which are currently being incurred, and may not represent new or additional costs.

PRIVATE COST: This proposed amendment will not cost private entities more than $500 in the aggregate. The cost of implementing the new managed competition criterion will be for public entity grant applicants only and will not cost private entity grant applicants any additional money.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: The Missouri Department of Natural Resources will hold a public hearing on this rule action and others beginning at 9:30 a.m., on February 16, 2000 in the Bennett Springs and Roaring River Conference Rooms at 1738 E. Elm Street, Jefferson City, Missouri.

Any person may submit written comments on this rule action. Written comments shall be sent to the Director of the Solid Waste Management Program at P.O. Box 176, Jefferson City, MO 65102. To be accepted, written comments must be postmarked by midnight on February 21, 2000. Faxed or E-mailed correspondence will not be accepted.

Please direct all inquiries to the Financial Assistance Unit Chief of the Solid Waste Management Program at (573) 522-3734.

FISCAL NOTE
PUBLIC ENTITY COST

I. RULE NUMBER

Title: Department of Natural Resources

Division: Solid Waste Management Program

Chapter: Solid Waste Management Fund

Type of Rulemaking: Proposed Amendment

Rule Number and Name: 10 CSR 80-9.050 Solid Waste Management Fund – District Grants

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	First Year Estimated Cost of Compliance	Second Year Estimated Cost of Compliance	Third Year Estimated Cost of Compliance
Department of Natural Resources	$489	$176	$142
Twenty Solid Waste Management Districts	$9,468	$3,574	$2,471
Public Entity	$14,639	$14,639	$14,639
TOTAL	$24,596	$18,389	$17,252

[1] These are annualized costs to the DNR to develop techniques to oversee the granting of district grant funds both equitably and effectively between public and private entities and promote competition. The duration of this rule cannot be estimated so annualized aggregate costs are provided over the first three years of implementation with third year costs representing a stabilized annual aggregate cost for the remaining life of the rule.

[2] These are annualized costs to the twenty Solid Waste Management Districts to plan, develop, and implement changes to their current grant program that promotes managed competition within their district. The duration of this rule cannot be estimated so annualized aggregate costs are provided over the first three years of implementation with third year costs representing a stabilized annual aggregate cost for the remaining life of the rule.

[3] These are annualized costs to Public Entities who may apply for a grant to implement changes to the current grant program that fosters and promotes managed competition. Additional requirements will be determined by policy of the district's executive board and may vary by district. Therefore, the estimation is based on a expected approach of costs to public entities in each district that apply for grants through the district. The duration of this rule cannot be estimated so annualized aggregate costs are provided over the first three years of implementation with the third year costs representing a stabilized annual aggregate cost for the remaining life of the rule.

III. WORKSHEET

1. Personnel costs for both state merit employees and other public employees are calculated using step "O" of the fiscal year 2000 merit pay plan produced by the Missouri Commission on Management and Productivity (COMAP). Annual salaries are obtained by multiplying monthly salaries by twelve. Fringe benefits are included by multiplying annual salaries by 1.27. A fixed sum of $8,745 is then added for equipment and expenses – the standard for existing merit employees. Finally, this total is multiplied by 1.248 to provide for indirect costs. Fully adjusted average hourl costs are then derived by dividing the above fully adjusted annual cost by 2080 Full-Time Equivalent (FTE) hours. All adjustment factors are consistent with factors employed in the FY2000 Solid Waste Management Program budget.

2. Below is the estimated time spent by the Solid Waste Management Program staff to develop procedures to oversee the district's policies that foster managed competition:

Time (hours)

Employee Type	MDNR (Reallocated Hours)		
	1st Year	2nd Year	3rd Year
Planner II	12 hours	4 hours	3 hours
Clerk Typist II	2 hours	1 hours	1 hours
Management Analyst Spec. II	1 hours	.5 hours	. 5 hours

3. Cost Calculation for MDNR Personnel
Planner II salary = $3,169/month
Annual Cost = {[($3,169)(12)(1.27)]+$8,745}(1.248) = $71,187
Hourly Cost = $71,187/2080 = $34.22/hour
Annualized Costs (1st Year) = ($34.22)(12hrs) = $411
Annualized Costs (2nd Year) = ($34.22)(4hrs) = $137
Annualized Costs (3rd Year) = ($34.22)(3hrs) = $103

Clerk Typist II = $1,713/month
Annual Cost = {[($1,713)(12)(1.27)]+$8,745}(1.248) = $43,494
Hourly Cost = $43,494/2080 = $20.91/hour
Annualized Costs (First Year) = ($20.91)(2hrs) = $42
Annualized Costs (Second Year) = ($20.91)(1hr) = $21
Annualized Costs (Third Year) = ($20.91)(1hr) = $21

Management Analyst Specialist II = $3,308/month
Annual Cost = {[($3,308)(12)(1.27)]+$8,745}(1.248) = $73,830
Hourly Cost = $73,830/2080 = $35.50/hour
Annualized Cost (First Year) = ($35.50)(1hr) = $36
Annualized Cost (Second Year) = ($35.50)(.5hrs) = $18
Annualized Cost (Third Year) = ($35.50)(.5hrs) = $18

Sum DNR (First Year) = $489
Sum DNR (Second Year) = $176
Sum DNR (Third Year) = $142

4. Below is the estimated time spent by each of the twenty Solid Waste Management Districts to develop procedures and write policy that foster managed competition:

Time (hours*/district)

Employee Type	SWMD (Reallocated Hours)		
	1st Year	2nd Year	3rd Year
Planner II	12 hours	4 hours	3 hours
Clerk Typist II	3 hours	2 hours	1 hours

*Hours worked per district

Cost calculation for SWMD
Planner II (same as fully adjusted hourly cost as for DNR: $34.22/hour)
Annualized Cost (First Year) = ($34.22)(12hrs)(20districts) = $8,213
Annualized Cost (Second Year) = ($34.22)(4hrs)(20districts) = $2,738
Annualized Cost (Third Year) = ($34.22)(3hrs)(20districts) = $2,053

Clerk Typist II (same as fully adjusted hourly cost as for DNR: $20.91/hour)
Annualized Cost (First Year) = ($20.91)(3hrs)(20districts) = $1,255
Annualized Cost (Second Year) = ($20.91)(2hrs)(20districts) = $836
Annualized Cost (Third Year) = (20.91)(1hr)(20districts) = $418

Sum for Sold Waste Management District (First Year) = $9,468
Sum for Solid Waste Management District (Second Year) = $3,574
Sum for Solid Waste Management District (Third Year) = $2,471

5. On average each district gives out three (3) grants to public entities in their district.

Time (hours*/public entity/district)

Employee Type	Public Applicant/Per Application		
	1st Year	2nd Year	3rd Year
Planner II	6 hours	6 hours	6 hours
Clerk Typist II	1 hours	1 hours	1 hours
Management Analyst Spec. II	.5 hours	.5 hours	.5 hours

* Hours worked on an application

Cost calculation for Public Entity
Planner II (same as fully adjusted hourly cost as for DNR: $34.22/hour)
Annualized Cost (1st Year) = ($34.22)(6hrs)(3projs)(20districts) = $12,319
Annualized Cost (2nd Year) = ($34.22)(6hrs)(3projs)(20districts) = $12,319
Annualized Cost (3rd Year) = ($34.22)(6hrs)(3projs)(20districts) = $12,319

Clerk Typist II (same as fully adjusted hourly cost as for DNR: $20.91/hour)
Annualized Cost (First Year) = ($20.91)(1hr)(3projs)(20districts) = $1,255
Annualized Cost (Second Year) = ($20.91)(1hr)(3projs)(20districts) = $1,255
Annualized Cost (Third Year) = (20.91)(1hr)(3projs)(20districts) = $1,255

Management Analyst Specialist II (same as fully adjusted hourly cost as for DNR: $35.50/hour)
Annualized Cost (First Year) = ($35.50)(.5hrs)(3projs)(20districts) = $1,065
Annualized Cost (Second Year) = ($35.50)(.5hrs)(3projs)(20districts) = $1,065
Annualized Cost (Third Year) = ($35.50)(.5hrs)(3projs)(20districts) = $1,065

Sum for Public Applicant (First Year) = $14,639
Sum for Public Applicant (Second Year) = $14,639
Sum for Public Applicant (Third Year) = $14,639

IV. ASSUMPTIONS

1. This amendment to 10 CSR 80-9.050 becomes effective August 31, 2000.
2. Annualized aggregate costs are provided, because the duration of this rule cannot be estimated. The annualized aggregate cost in the third year, as estimated, is expected to remain constant for the remaining duration of the rule.
3. All costs are in constant fiscal year 2000 dollars. No inflation factors are utilized to adjust for inflation in the out years.
4. Estimates assume a constant regulatory atmosphere that requires no additional reporting or standards beyond those currently required
5. Estimates assume there will be no new or sudden advances in technology that would impact on costs.
6. This fiscal note is not in lieu of the requirements or a model for compliance with this rule. The examples used for cost calculations are good-faith estimates and averages using the department's professional judgement.
7. Affected entities are required to be in compliance with all applicable environmental laws and regulations.
8. The universe of affected entities is based on the information on hand as of November 1999, and all other things being equal.
9. The division of affected agencies into classifications is based on the premise that the costs required by this rule apply equally to all entities within each classification.
10. This fiscal note is provided to comply with State law. The costs of this rule to the Department of Natural Resources and to the twenty Solid Waste Management Districts are actually a reallocation of costs for the changing duties resulting from the changes to the criteria in the district grant program in this rule. The majority of costs is currently borne by the department, and does not constitute new expenses.
11. Costs to Public applicants represent estimated costs of compliance with managed competition criteria added to the rule.

Title 13—DEPARTMENT OF SOCIAL SERVICES
Division 70—Division of Medical Services
Chapter 15—Hospital Program

PROPOSED AMENDMENT

13 CSR 70-15.010 Inpatient Hospital Services Reimbursement Plan; Outpatient Hospital Services Reimbursement Methodology. The Division is amending subsections (5)(C) and (F).

PURPOSE: The proposed amendment to subsections (5)(C) and (F) provides for the granting of rate increases to state operated hospitals for the completion of Certificate of Need (CON) type projects. Prior to this amendment state operated hospitals could not receive a rate increase for CON type projects as they did not receive the CON approval required for the rate increase.

(5) Administrative Actions.

(C) New, Expanded or Terminated Services.

1. A hospital, at times, may offer to the public new or expanded services for the provision of allowable inpatient *[or outpatient]* services which require Certificate of Need (CON) approval or permanently terminate a service. **For a state hospital, i.e., one owned or operated by the board of curators as provided for in Chapter 172, RSMo, or one owned or operated by the Department of Mental Health, the state hospital may offer new or expanded inpatient services to the public provided it receives legislative appropriations for the project and the project meets the CON costs threshold.** Within six (6) months after this event, the hospital must submit a request for rate reconsideration with a budget which shall take into consideration new, expanded or terminated services. **Since a state hospital is not subject to the CON approval process, a state hospital will have six (6) months after the effective date of this amendment to file a budget for CON type projects completed after its base year cost report and will then have six (6)-months after the completion of the new or expanded service is offered to the public**. The budgets will be subject to desk review and audit. Upon completion of the desk review, reimbursement rates may be adjusted, if indicated. Failure to submit a request for rate reconsideration and budget **within the six (6) month period** shall disqualify the hospital from receiving a rate increase. Failure to submit a request shall not prohibit the division from reducing the rate in the case of a terminated service.

2. Failure to submit a budget concerning terminated services may result in the imposition of sanctions as described in 13 CSR 70-3.030.

3. Rate adjustments due to new or expanded services will be determined as total allowable project cost **(i.e., the sum of annual depreciation, annualized interest expense and annual additional operating costs)** multiplied by the ratio of total inpatient costs (less swing bed cost) to total hospital cost as submitted on the most recent cost report filed with the agency as of the review date divided by total acute care patient days including all special care units and nursery, but excluding swing bed days.

4. Total acute care patient days (excluding nursery and swing bed days) must be at least sixty percent (60%) of total possible bed days. Total possible bed days will be determined using the number of licensed beds times three hundred sixty-five (365) days. If the days, including neonatal units, are less than sixty percent (60%), the sixty percent (60%) number plus newborn days will be used to determine the rate increase. This computation will apply to capital costs only.

(F) Rate Reconsideration.

1. Rate reconsideration may be requested under this subsection for changes in allowable cost which occur subsequent to the base period described in *[paragraph (1)(A)3.]* **subsection (2)(C)**. The effective date for any increase granted under this subsection shall be no earlier than the first day of the month following the Division of Medical Services' final determination on rate reconsideration.

2. The following may be subject to review under procedures established by the Medicaid agency:

A. Substantial changes in or costs due to case mix;

B. New, expanded or terminated services as detailed in subsection (5)(C); and

C. When the hospital experiences extraordinary circumstances which may include, but are not limited to, an act of God, war or civil disturbance.

3. The following will not be subject to review under these procedures:

A. The use of Medicare standards and reimbursement principles;

B. The method for determining the trend factor;

C. The use of all-inclusive prospective reimbursement rates; and

D. Increased costs for the successor owner, management or leaseholder that result from changes in ownership, management, control, operation or leasehold interests by whatever form for any hospital previously certified at any time for participation in the Medicaid program, except a review may be conducted when a hospital changes from nonprofit to *[propeirtary]* **proprietary** or vice versa to recognize the change in its property taxes, see paragraph (5)(E)4.

4. As a condition of review, the Missouri Division of Medical Services may require the hospital to submit to a comprehensive operational review. The review will be made at the discretion of the state Medicaid agency and may be performed by it or its designee. The findings from any such review may be used to recalculate allowable costs for the hospital.

5. The request for an adjustment must be submitted in writing to the Missouri Division of Medical Services and must specifically and clearly identify the issue and the total dollar amount involved. The total dollar amount must be supported by generally acceptable accounting principles. The hospital shall demonstrate the adjustment is necessary, proper and consistent with efficient and economical delivery of covered patient care services. The hospital will be notified in writing of the agency's decision within sixty (60) days of receipt of the hospital's written request or within sixty (60) days of receipt of any additional documentation or clarification which may be required, whichever is later. Failure to submit requested information within the sixty (60)-day period shall be grounds for denial of the request. If the state does not respond within the sixty (60)-day period, the request shall be deemed denied.

AUTHORITY: sections 208.152, 208.153, 208.201 and 208.471, RSMo 1994. This rule was previously filed as 13 CSR 40-81.050. Original rule filed Feb. 13, 1969, effective Feb. 23, 1969. For intervening history, please consult the ***Code of State Regulations****. Amended: Filed Dec. 15, 1999.*

PUBLIC COST: This proposed amendment is expected to cost public entities $602,000 in state fiscal year 2000 and $1,032,000 in SFY 2001, and each fiscal year thereafter. A fiscal note containing detailed estimated cost of compliance has been filed with the secretary of state.

PRIVATE COST: This proposed amendment will not cost private entities more than $500 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Department of Social Services, Division of Medical Services, Director of Medicaid, 615 Howerton Court, Jefferson City, MO 65102. To be considered, comments must be received within thirty days after publication of this notice in the ***Missouri Register****. No public hearing is scheduled.*

FISCAL NOTE
PUBLIC ENTITY COST

I. RULE NUMBER

Title: 13 – Department of Social Services

Division: 70 – Division of Medical Services

Chapter: 15 – Hospital Program

Type of Rulemaking: Proposed Amendment

Rule Number and Name: 13 CSR 70-15.010 Inpatient Hospital Services Reimbursement Plan; Outpatient Hospital Services Reimbursement Methodology

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Cost of Compliance in the Aggregate
Department of Social Services/Division of Medical Services	$602,000 SFY 2000 $1,032,000 SFY 2001

III. WORKSHEET

The worksheet shows additional cost per day of $32.75 based on 60% occupancy for the hospital.

IV. ASSUMPTIONS

The projected fiscal impact is based on granting a rate increase in the amount of $32.75 per day to one hospital for seven months in SFY 2000. Based on the proposed increase the hospital would receive the additional payment for 18,383 of its 31,514 projected Medicaid days for SFY 2000. The projected impact for SFY 2001 is $1,032,000. The cost in the aggregate for future fiscal year can be determined by multiplying $1,032,000 by the number of years the rule remains in effect. The $32.75 rate increase is based on the assumption that the total increase in depreciation expenses from the hospitals 1996 cost report of the1999 cost report would qualify for CON type project costs. Rate increase assumes hospital operates at 60% occupancy.

Title 19—DEPARTMENT OF HEALTH
Division 60—Missouri Health Facilities Review Committee
Chapter 50—Certificate of Need Program

PROPOSED AMENDMENT

19 CSR 60-50.300 Definitions for the Certificate of Need Process. The committee is amending sections (1) and (11), adding sections (3) and (7), and renumbering sections (3)–(13).

PURPOSE: This proposed amendment modifies the definition of "applicant" and "predevelopment costs" and adds definitions for "charity care" and "health care facility expenditure" to the list the definitions of terms used in the Certificate of Need (CON) review process.

(1) Applicant means all owner(s) and operator(s**) who undertake those activities which on their completion will result in the offering** of any new institutional health service **or the incurring of a financial obligation in relation to the provision of such a service, thus including the owner or any asset, such as land, building or equipment, and any leasee thereof**.

(3) Charity care means uncompensated care given by a health care facility to indigent and medically indigent people as part of a written mission or policy, and it does not include accounts written off as "bad debts" or third party adjustments, including those for Medicare and Medicaid.

[(3)] **(4)** Cost means—

(A) Price paid or to be paid by the applicant for a new institutional health service to acquire, purchase or develop a health care facility or major medical equipment; or

(B) Fair market value of the health care facility or major medical equipment as determined by the current selling price at the date of the application as quoted by builders or architects for similar facilities or normal suppliers of the requested equipment.

[(4)] **(5)** Generally accepted accounting principles pertaining to capital expenditures include, but are not limited to—

(A) Expenditures related to acquisition or construction of capital assets;

(B) Capital assets are investments in property, plant and equipment used for the production of other goods and services approved by the committee; and

(C) Land is not considered a capital asset until actually converted for that purpose with commencement of above-ground construction approved by the committee.

[(5)] **(6)** Health care facility means any premises as defined in section 197.305(8), RSMo.

(7) Health care facility expenditure includes the capital value of new construction or renovation costs, architectural/engineering fees, equipment not in the construction contract, land acquisition costs, consultants'/legal fees, interest during construction, predevelopment costs as defined in section 197.305(13), RSMo, in excess of one hundred fifty thousand dollars ($150,000), for any existing land and building converted to medical use for the first time, and any other capitalizable costs as listed on the "Proposed Project Budget" form MO 580-1863.

[(6)] **(8)** Health maintenance organizations means entities as defined in section 354.400(6), RSMo, except for activities directly related to the provision of insurance only.

[(7)] **(9)** Interested party means any licensed health care provider or other affected person who has expressed an interest in the Certificate of Need (CON) process or a CON application.

[(8)] **(10)** Major medical equipment means any device or collection of devices and startup costs acquired over a twelve (12)-month period, including equipment, shipping, installation, supplies, and taxes, with an aggregate cost in excess of the expenditure minimum, when the project is intended to provide imaging, diagnostic, treatment, preventive or other health services.

[(9)] **(11)** Nonsubstantive project includes, but is not limited to, at least one (1) of the following situations:

(A) An expenditure which is required solely to meet federal or state requirements;

(B) The construction or modification of nonpatient care services, including parking facilities, sprinkler systems, heating or air-conditioning equipment, fire doors, food service equipment, building maintenance, administrative equipment, telephone systems, energy conservation measures, land acquisition, medical office buildings, and other projects of a similar nature;

(C) The acquisition of minor x-ray units, computed tomography units, mammography units, and flouroscopy units, adult day care centers, hospices, and home health care services;

(D) Expenditures for construction, equipment, or both, due to an act of God or a normal consequence of maintenance, but not replacement, of health care facilities, beds, or equipment; or

(E) Expenditures required to resolve the "Year 2000 Compliance Problem" for computers as part of or related to medical equipment. Documentation from a competent third party is required to verify that the project is required solely to solve the "Year 2000 Compliance Problem" along with an itemized equipment list of computers and/or medical equipment affected.

[(10)] **(12)** Offer, when used in connection with health services, means that the applicant asserts having the capability and the means to provide and operate the specified health services.

[(11)] **(13)** Predevelopment costs mean expenditures as defined in section 197.305(15), RSMo, including **land and building,** consulting, legal, architectural, engineering, financial and other activities directly related to the proposed project, but excluding the application fee for submission of the application for the proposed project.

[(12)] **(14)** Related organization means an organization that is associated or affiliated with, has control over or is controlled by, or has any direct financial interest in, the organization applying for a project including, without limitation, an underwriter, guarantor, parent organization, joint venturer, partner or general partner.

[(13)] **(15)** Service area means—

(A) A review area which is the geographic region within the fifteen (15)-mile radius of the proposed site; and

(B) A geographic region in excess of the fifteen (15)-mile review area appropriate to the proposed service, documented by the applicant and approved by the committee.

*AUTHORITY: section 197.320, RSMo [Supp. 1997] **Supp. 1999.** Original rule filed June 2, 1994, effective Nov. 30, 1994. Emergency rescission and rule filed Aug. 29, 1997, effective Sept. 8, 1997, expires March 6, 1998. Rescinded and readopted: Filed Aug. 29, 1997, effective March 30, 1998. Emergency amendment filed Oct. 20, 1998, effective Oct. 30, 1998, expired April 27, 1999. Amended: Filed Oct. 20, 1998, effective April 30, 1999.*

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more that $500 in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more that $500 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support or in opposition to this proposed amendment with Thomas R. Piper, Director, Certificate of Need Program, P.O. Box 570, Jefferson City, MO 65102. To be considered, comments must be received within thirty days after publication of this notice in the ***Missouri Register****. No public hearing has been scheduled.*

Title 19—DEPARTMENT OF HEALTH
Division 60—Missouri Health Facilities Review Committee
Chapter 50—Certificate of Need Program

PROPOSED AMENDMENT

19 CSR 60-50.470 Criteria and Standards for Financial Feasibility. The committee is replacing three forms.

PURPOSE: The Missouri Health Facilities Review Committee is updating the following financial forms to comply with date changes for the year 2000: Form MO 580-1864, Form MO 580-1865, and Form MO 580-1866.

AUTHORITY: section 197.320, RSMo Supp. 1999. Emergency rule filed Aug. 29, 1997, effective Sept. 8, 1997, expires March 6, 1998. Original rule filed Aug. 29, 1997, effective March 30, 1998. Amended: Filed Oct. 19, 1999. Amended: Filed Dec. 15, 1999.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more that $500 in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more that $500 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support or in opposition to this proposed amendment with Thomas R. Piper, Director, Certificate of Need Program, P.O. Box 570, Jefferson City, MO 65102. To be considered, comments must be received within thirty days after publication of this notice in the ***Missouri Register****. No public hearing has been scheduled.*

Certificate of Need Program

INSTITUTION'S INCOME STATEMENT

Historical Financial Data for Latest Three Years plus Projections Through Three Years Beyond Project Completion

(Use a sufficient number of copies of this form to cover entire period, and fill in the years in the appropriate blanks.)	Year		
	_____	_____	_____
Revenue:			
Gross Patient Charges			
Inpatient			
Outpatient			
Total			
Less Deductions			
Charity Care			
Third Party Loss			
Total Deductions			
Net Patient Service Revenue			
Other Operating Revenues			
Total Operating Revenues			
Operating Expenses:			
Labor Costs			
Supplies and Other			
Professional Fees			
Depreciation and Amortization			
Interest			
Bad Debts			
Total Expenses			
Income From Operations			
Non-operating Gains:			
Investment Income			
Donations			
Gain (Loss) on Disposition of Assets			
Other			
Net Non-operating Gains			
Revenue (Loss) Before Extraordinary Item(s)			
Extraordinary Gain (Loss)			
Excess (Shortage) of Revenue Over Expenses			

MO 580-1864 (12-99)

Certificate of Need Program

SERVICE-SPECIFIC REVENUES AND EXPENSES

Historical Financial Data for Latest Three Years plus Projections Through Three Years Beyond Project Completion

(Use an individual form for each affected service with a sufficient number of copies of this form to cover entire period, and fill in the years in the appropriate blanks.)

	Year		
	_____	_____	_____
Amount of Utilization:*			
Revenue:			
Average Charge**			
Gross Revenue			
Revenue Deductions			
Operating Revenue			
Other Revenue			
TOTAL REVENUE			
Expenses:			
Direct Expense			
Salaries			
Fees			
Supplies			
Other			
TOTAL DIRECT			
Indirect Expense			
Depreciation			
Interest***			
Overhead****			
TOTAL INDIRECT			
TOTAL EXPENSE			
NET INCOME (LOSS):			

* Utilization will be measured in "patient days" in nursing home or hospital beds, "procedures" for equipment, or other appropriate units of measure specific to the service affected.

** Indicate how the average charge/procedure was calculated.

*** Only on long term debt, not construction.

**** Indicate how overhead was calculated.

MO 580-1865 (12-99)

Certificate of Need Program

DETAILED INSTITUTIONAL CASH FLOWS

Historical Financial Data for Latest Three Years plus Projections Through Three Years Beyond Project Completion

(Use a sufficient number of copies of this form to cover entire period, and fill in the years in the appropriate blanks.)	Year		
	_____	_____	_____
Net Cash Flows from Operating Activities and Nonoperating Gains and Losses:			
Net Income			
Depreciation and Amortization			
Provision for Bad Debts			
Net Change in Assets and Liabilities			
Other (specify)			
Net Cash Provided by Operating Activities and Nonoperating Gains			
Cash Flows from Investing Activities:			
Purchases of Property and Equipment			
Proceeds from Disposition of Property			
Proceeds from Disposition of Equipment			
Increase in Assets Whose Use is Limited			
Decrease (Increase) in Investments			
Decrease (Increase) in Notes Receivable			
Other (specify)			
Net Cash Used in Investing Activities			
Cash Flows from Financing Activities:			
Issuance of Long-term Debt			
Defeasance of Long-term Debt			
Payments on Long-term Debt			
Payments on Capital Leases			
Fund Balance Transfers			
Other (specify)			
Net Cash Used in Financing Activities			
Increase (Decrease) in Cash and Cash Equivalents			
Cash and Cash Equivalents, Begining of Year			
CASH AND CASH EQUIVALENTS, END OF YEAR			

MO 580-1866 (12-99)

This section will contain the final text of the rules proposed by agencies. The order of rulemaking is required to contain a citation to the legal authority upon which the order or rulemaking is based; reference to the date and page or pages where the notice of proposed rulemaking was published in the *Missouri Register;* an explanation of any change between the text of the rule as contained in the notice of proposed rulemaking and the text of the rule as finally adopted, together with the reason for any such change; and the full text of any section or subsection of the rule as adopted which has been changed from that contained in the notice of proposed rulemaking. The effective date of the rule shall be not less than thirty days after the date of publication of the revision to the *Code of State Regulations*.

The agency is also required to make a brief summary of the general nature and extent of comments submitted in support of or opposition to the proposed rule and a concise summary of the testimony presented at the hearing, if any, held in connection with the rulemaking, together with a concise summary of the agency's findings with respect to the merits of any such testimony or comments which are opposed in whole or in part to the proposed rule. The ninety-day period during which an agency shall file its Order of Rulemaking for publication in the *Missouri Register* begins either:1) after the hearing on the Proposed Rulemaking is held; or 2) at the end of the time for submission of comments to the agency. During this period, the agency shall file with the secretary of state the order of rulemaking, either putting the proposed rule into effect, with or without further changes, or withdrawing the proposed rule.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT
Division 150—State Board of Registration for the Healing Arts
Chapter 7—Physician Assistants

ORDER OF RULEMAKING

By the authority vested in the Missouri State Board of Registration for the Healing Arts under section 334.735, RSMo Supp. 1999, the board amends a rule as follows:

4 CSR 150-7.135 Physician Assistant Supervision Agreements **is amended**.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on September 1, 1999 (24 MoReg 2131–2132). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The Board received a total of sixty 60 comments, 59 in opposition of, and one in support of the proposed amendment.

COMMENT: Fifty-nine comments were received stating opposition to the mandated 100% on-site supervision by a physician.
RESPONSE: The Board and the Advisory Commission referred such comments to the judgement rendered by the Cole County Circuit Court, case number CV198-196CC.

COMMENT: One (1) comment was received from the Missouri Association of Osteopathic Physicians and Surgeons in support of the proposed amendment.
RESPONSE: The Board and the Advisory Commission referred such comments to the judgement rendered by the Cole County Circuit Court, case number CV198-196CC.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT
Division 240—Public Service Commission
Chapter 18—Safety Standards

ORDER OF RULEMAKING

By the authority vested in the Missouri Public Service Commission under section 386.310, RSMo Supp. 1999, and section 394.160, RSMo 1994, the commission amends a rule as follows:

4 CSR 240-18.010 Safety Standards—Electric and Telephone Utilities and Rural Electric Cooperatives **is amended**.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on October 1, 1999 (24 MoReg 2340–2341). No changes have been made in the text of the proposed amendment so it is not reprinted here. This proposed amendment becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: A public hearing was held on November 3, 1999. Written comments were also submitted.

COMMENT: A comment was received from the Office of the Public Counsel indicating its support for the proposed amendment.
RESPONSE: The Commission thanks the Office of the Public Counsel for its comment.

COMMENT: A comment was received from Union Electric Company d/b/a AmerenUE indicating its support for the proposed amendment.
RESPONSE: The commission thanks Union Electric Company d/b/a AmerenUE for its comment.

COMMENT: A comment was received from the Small Telephone Company Group indicating its general support for the Commission's adoption of sections of the 1997 Edition of the *National Electric Safety Code* to replace the corresponding sections of the 1993 Edition that are adopted in the current rule. The Small Telephone Company Group suggested that the rule revision should state that it is effective only on a going forward basis.
RESPONSE: The Commission thanks the Small Telephone Company Group for its comment. A witness for the Staff of the Public Service Commission addressed the Small Telephone Company Group's concern at the public hearing. The witness indicated that the *National Electric Safety Code* already states that it applies only to new construction and does not require changes to previously existing structures. Therefore there would be no need to state in this rule that it is effective only on a going forward basis as that limitation is already implied in the *National Electric Safety Code*.

No other comments were received.

Title 12—DEPARTMENT OF REVENUE
Division 10—Director of Revenue
Chapter 23—Motor Vehicle

ORDER OF RULEMAKING

By the authority vested in the director of revenue under sections 301.600 and 306.400, RSMo Supp. 1999, the director adopts a rule as follows:

12 CSR 10-23.446 Notice of Lien **is adopted**.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on October 1, 1999 (24 MoReg 2391). No changes have been made in the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 12—DEPARTMENT OF REVENUE
Division 10—Director of Revenue
Chapter 24—Drivers License Bureau Rules

ORDER OF RULEMAKING

By the authority vested in the director of revenue under section 302.181, RSMo Supp. 1999, the director amends a rule as follows:

12 CSR 10-24.430 Back of Driver License **is amended**.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on October 1, 1999 (24 MoReg 2391–2392). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 15—ELECTED OFFICIALS
Division 30—Secretary of State
Chapter 4—Postcard Voter Application and Forms

ORDER OF RULEMAKING

By the authority vested in the Missouri secretary of state under sections 115.155.5 and 115.159, RSMo Supp. 1999, the secretary amends a rule as follows:

15 CSR 30-4.010 Postcard Voter Application and Forms **is amended**.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on October 1, 1999 (24 MoReg 2413–2414). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received regarding this amendment.

Title 15—ELECTED OFFICIALS
Division 30—Secretary of State
Chapter 15—Initiative, Referendum, New Party and Independent Candidate Petition Rules

ORDER OF RULEMAKING

By the authority vested in the Missouri secretary of state under sections 115.335.7 and 116.130.5, RSMo Supp. 1999, the secretary amends a rule as follows:

15 CSR 30-15.010 Signature Verification Procedures for Initiative, Referendum, New Party and Independent Petitions **is amended**.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on October 1, 1999 (24 MoReg 2417). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received regarding this amendment.

Title 15—ELECTED OFFICIALS
Division 30—Secretary of State
Chapter 15—Initiative, Referendum, New Party and Independent Candidate Petition Rules

ORDER OF RULEMAKING

By the authority vested in the Missouri secretary of state under sections 115.335.7 and 116.130.5, RSMo Supp. 1999, the secretary amends a rule as follows:

15 CSR 30-15.020 Processing Procedures for Initiative, Referendum, New Party and Independent Candidate Petitions **is amended**.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on October 1, 1999 (24 MoReg 2417). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received regarding this amendment.

Title 15—ELECTED OFFICIALS
Division 50—Treasurer
Chapter 4—Missouri Higher Education Savings Program

ORDER OF RULEMAKING

By the authority vested in the Missouri Higher Education Savings Program Board (the "board") under section 166.415, RSMo Supp. 1999, the board adopts a rule as follows:

15 CSR 50-4.010 General Organization **is adopted**.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on October 1, 1999 (24 MoReg 2417–2418). No changes have been made in the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The board did not receive any comments on the proposed rule.

Title 15—ELECTED OFFICIALS
Division 50—Treasurer
Chapter 4—Missouri Higher Education Savings Program

ORDER OF RULEMAKING

By the authority vested in the Missouri Higher Education Savings Program Board (the "board") under section 166.415, RSMo Supp. 1999, the board adopts a rule as follows:

15 CSR 50-4.020 is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on October 1, 1999 (24 MoReg 2418–2422). Those subsections with changes are reprinted here. This proposed rule becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The following comment was received.

COMMENT: A typographical error appears in subsection (5)(C) wherein the proposed rule stated "Each participant agreement shall impose . . .."
RESPONSE AND EXPLANATION OF CHANGE: Subsection (5)(C) is changed to read "Each participation agreement shall impose . . .." No further comments were received by the board.

15 CSR 50-4.020 Missouri Higher Education Savings Program Board

(5) Saving Program Participation and Participation Agreements.

(C) Participation Agreements. To participate in the savings program, a prospective participant must submit a completed participation agreement with either an initial contribution or a selection of electronic funds transfer or payroll deduction as the method of initial contribution. The participation agreement will provide that the participant (and any successor account owner) will retain ownership of payments made under the program through the opening of an account in the name of the participant and for the benefit of the beneficiary designated by such participant (or the successor account owner). Only one (1) account owner and one (1) beneficiary is permitted per account, except that scholarship accounts may be established for the benefit of one (1) or more present or future beneficiaries. One (1) or more participants may establish accounts for a single beneficiary. Each participant agreement shall impose a penalty on the early distribution of funds in accordance with section 166.430, RSMo. Each participation agreement shall provide that the participation agreement may be canceled upon the terms and conditions set forth therein, subject to subsection (5)(I) below.

Title 19—DEPARTMENT OF HEALTH
Division 20—Division of Environmental Health and Epidemiology
Chapter 8—Lead Program

ORDER OF RULEMAKING

By the authority vested in the director of the Department of Health under section 701.314, RSMo 1994, the director rescinds a rule as follows:

19 CSR 20-8.010 Accreditation of Lead Training Program **is rescinded**.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on October 1, 1999 (24 MoReg 2423). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 19—DEPARTMENT OF HEALTH
Division 20—Division of Environmental Health and Epidemiology
Chapter 8—Lead Program

ORDER OF RULEMAKING

By the authority vested in the director of the Department of Health under section 701.312, RSMo 1994, the director rescinds a rule as follows:

19 CSR 20-8.020 Accreditation of Lead Training Program **is rescinded**.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on October 1, 1999 (24 MoReg 2423). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received; however, in the authority section, the Missouri Department of Health inadvertently cited section 701.314, RSMo 1994. The authority section should read "section 701.312, RSMo 1994."

Title 19—DEPARTMENT OF HEALTH
Division 30—Division of Health Standards and Licensure
Chapter 70—Lead Abatement and Assessment Licensing, Training Accreditation

ORDER OF RULEMAKING

By the authority vested in the director of the Department of Health under sections 701.301 and 701.312, RSMo Supp. 1999, the director adopts a rule as follows:

19 CSR 30-70.110 Definitions and Abbreviations for Lead Abatement and Assessment Licensing **is adopted**.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on October 1, 1999 (24 MoReg 2423–2424). No changes have been made in the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 19—DEPARTMENT OF HEALTH
Division 30—Division of Health Standards and Licensure
Chapter 70—Lead Abatement and Assessment Licensing, Training Accreditation

ORDER OF RULEMAKING

By the authority vested in the director of the Department of Health under sections 701.301, 701.312 and 701.316, RSMo Supp. 1999, the director adopts a rule as follows:

19 CSR 30-70.120 General **is adopted**.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on October 1, 1999 (24 MoReg 2424–2426). No changes have been made in the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 19—DEPARTMENT OF HEALTH
Division 30—Division of Health Standards and Licensure
Chapter 70—Lead Abatement and Assessment Licensing, Training Accreditation

ORDER OF RULEMAKING

By the authority vested in the director of the Department of Health under sections 701.301, 701.312 and 701.316, RSMo Supp. 1999, the director adopts a rule as follows:

19 CSR 30-70.130 Application Process and Requirements for the Licensure of Lead Inspectors **is adopted**.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on October 1, 1999 (24 MoReg 2427–2430). No changes have been made in the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 19—DEPARTMENT OF HEALTH
Division 30—Division of Health Standards and Licensure
Chapter 70—Lead Abatement and Assessment Licensing, Training Accreditation

ORDER OF RULEMAKING

By the authority vested in the director of the Department of Health under sections 701.301, 701.312 and 701.316, RSMo Supp. 1999, the director adopts a rule as follows:

19 CSR 30-70.140 Application Process and Requirements for the Licensure of Risk Assessors **is adopted**.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on October 1, 1999 (24 MoReg 2431–2434). No changes have been made in the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 19—DEPARTMENT OF HEALTH
Division 30—Division of Health Standards and Licensure
Chapter 70—Lead Abatement and Assessment Licensing, Training Accreditation

ORDER OF RULEMAKING

By the authority vested in the director of the Department of Health under sections 701.301, 701.312 and 701.316, RSMo Supp. 1999, the director adopts a rule as follows:

19 CSR 30-70.150 Application Process and Requirements for the Licensure of Lead Abatement Workers **is adopted**.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on October 1, 1999 (24 MoReg 2435–2438). No changes have been made in the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 19—DEPARTMENT OF HEALTH
Division 30—Division of Health Standards and Licensure
Chapter 70—Lead Abatement and Assessment Licensing, Training Accreditation

ORDER OF RULEMAKING

By the authority vested in the director of the Department of Health under sections 701.301, 701.312 and 701.316, RSMo Supp. 1999, the director adopts a rule as follows:

19 CSR 30-70.160 Application Process and Requirements for the Licensure of Lead Abatement Supervisors **is adopted**.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on October 1, 1999 (24 MoReg 2439–2442). No changes have been made in the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 19—DEPARTMENT OF HEALTH
Division 30—Division of Health Standards and Licensure
Chapter 70—Lead Abatement and Assessment Licensing, Training Accreditation

ORDER OF RULEMAKING

By the authority vested in the director of the Department of Health under sections 701.301, 701.312 and 701.316, RSMo Supp. 1999, the director adopts a rule as follows:

19 CSR 30-70.170 Application Process and Requirements for the Licensure of Project Designers **is adopted**.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on October 1, 1999 (24 MoReg 2443–2446). No changes have been made in the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 19—DEPARTMENT OF HEALTH
Division 30—Division of Health Standards and Licensure
Chapter 70—Lead Abatement and Assessment Licensing, Training Accreditation

ORDER OF RULEMAKING

By the authority vested in the director of the Department of Health under sections 701.301, 701.312 and 701.316, RSMo Supp. 1999, the director adopts a rule as follows:

19 CSR 30-70.180 Application Process and Licensure Renewal Requirements for Lead Abatement Contractors **is adopted**.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on October 1, 1999 (24 MoReg 2447–2452). No changes have been made in the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 19—DEPARTMENT OF HEALTH
Division 30—Division of Health Standards and Licensure
Chapter 70—Lead Abatement and Assessment Licensing, Training Accreditation

ORDER OF RULEMAKING

By the authority vested in the director of the Department of Health under sections 701.301, 701.312 and 701.316, RSMo Supp. 1999, the director adopts a rule as follows:

19 CSR 30-70.190 Renewal of Lead Occupation Licenses **is adopted**.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on October 1, 1999 (24 MoReg 2453–2457). No changes have been made in the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 19—DEPARTMENT OF HEALTH
Division 30—Division of Health Standards and Licensure
Chapter 70—Lead Abatement and Assessment Licensing, Training Accreditation

ORDER OF RULEMAKING

By the authority vested in the director of the Department of Health under sections 701.301, 701.312 and 701.316, RSMo Supp. 1999, the director adopts a rule as follows:

19 CSR 30-70.195 Application Process and Requirements for Reapplication after License Expiration **is adopted**.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on October 1, 1999 (24 MoReg 2458–2460). No changes have been made in the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 19—DEPARTMENT OF HEALTH
Division 30—Division of Health Standards and Licensure
Chapter 70—Lead Abatement and Assessment Licensing, Training Accreditation

ORDER OF RULEMAKING

By the authority vested in the director of the Department of Health under sections 701.301 and 701.312, RSMo Supp. 1999, the director adopts a rule as follows:

19 CSR 30-70.200 Application Process and Requirements for the Licensure of Risk Assessors Who Possessed a Valid Missouri Lead Inspector License on August 28, 1998 **is adopted**.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on October 1, 1999 (24 MoReg 2461–2464). No changes have been made in the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 19—DEPARTMENT OF HEALTH
Division 30—Division of Health Standards and Licensure
Chapter 70—Lead Abatement and Assessment Licensing, Training Accreditation

ORDER OF RULEMAKING

By the authority vested in the director of the Department of Health under sections 701.301 and 701.314, RSMo Supp. 1999, the director adopts a rule as follows:

19 CSR 30-70.310 Definitions and Abbreviations for the Accreditation of Training Providers **is adopted**.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on October 1, 1999 (24 MoReg 2465). No changes have been made in the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 19—DEPARTMENT OF HEALTH
Division 30—Division of Health Standards and Licensure
Chapter 70—Lead Abatement and Assessment Licensing, Training Accreditation

ORDER OF RULEMAKING

By the authority vested in the director of the Department of Health under sections 701.301 and 701.314, RSMo Supp. 1999, the director adopts a rule as follows:

19 CSR 30-70.320 Accreditation of Training Providers for Training Courses **is adopted**.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on October 1, 1999 (24 MoReg 2465–2470). No changes have been made in the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 19—DEPARTMENT OF HEALTH
Division 30—Division of Health Standards and Licensure
Chapter 70—Lead Abatement and Assessment Licensing, Training Accreditation

ORDER OF RULEMAKING

By the authority vested in the director of the Department of Health under sections 701.301 and 701.314, RSMo Supp. 1999, the director adopts a rule as follows:

19 CSR 30-70.330 Requirements for a Training Provider of a Lead Inspector Training Course **is adopted**.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on October 1, 1999 (24 MoReg 2471). No changes have been made in the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 19—DEPARTMENT OF HEALTH
Division 30—Division of Health Standards and Licensure
Chapter 70—Lead Abatement and Assessment Licensing, Training Accreditation

ORDER OF RULEMAKING

By the authority vested in the director of the Department of Health under sections 701.301 and 701.314, RSMo Supp. 1999, the director adopts a rule as follows:

19 CSR 30-70.340 is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on October 1, 1999 (24 MoReg 2471–2472). Those sections with changes are reprinted here. This proposed rule becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The department received a comment from Saint Louis University (SLU) School of Public Health.

COMMENT: SLU would like us to amend the proposed rule to include protocol for full risk assessment and elevated blood lead investigation.
RESPONSE AND EXPLANATION OF CHANGE: The department agrees and has incorporated the recommended change.

19 CSR 30-70.340 Requirements for a Training Provider of a Risk Assessor Training Course

(2) A lead risk assessor training course shall include, at a minimum, the following course topics. Requirements ending in an asterisk (*) indicate areas that require hands-on training as an integral component of the course.

(F) Full risk assessment protocol;

(G) Elevated blood lead level investigations;

(H) Sampling for other sources of lead exposure, including drinking water;*

(I) Interpretation of lead-based paint and other lead sampling results related to Missouri clearance standards;*

(J) Sections 701.300 to 701.338, RSMo, Missouri regulations pertaining to lead licensure, and Missouri Work Practice Standards for Lead-Bearing Substances specific to risk assessment activities;

(K) Development of hazard control options, the role of interim controls, and operations and maintenance activities to reduce lead-bearing substance hazards;

(L) Legal liabilities and obligations specific to a risk assessor; and

(M) Preparation of a final risk assessment report.*

Title 19—DEPARTMENT OF HEALTH
Division 30—Division of Health Standards and Licensure
Chapter 70—Lead Abatement and Assessment Licensing, Training Accreditation

ORDER OF RULEMAKING

By the authority vested in the director of the Department of Health under sections 701.301 and 701.314, RSMo Supp. 1999, the director adopts a rule as follows:

19 CSR 30-70.350 Requirements for a Training Provider of a Lead Abatement Worker Training Course **is adopted**.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on October 1, 1999 (24 MoReg 2472). No changes have been made in the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 19—DEPARTMENT OF HEALTH
Division 30—Division of Health Standards and Licensure
Chapter 70—Lead Abatement and Assessment Licensing, Training Accreditation

ORDER OF RULEMAKING

By the authority vested in the director of the Department of Health under sections 701.301 and 701.314, RSMo Supp. 1999, the director adopts a rule as follows:

19 CSR 30-70.360 Requirements for a Training Provider of a Lead Abatement Supervisor Training Course **is adopted**.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on October 1, 1999 (24 MoReg 2472–2473). No changes have been made in the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 19—DEPARTMENT OF HEALTH
Division 30—Division of Health Standards and Licensure
Chapter 70—Lead Abatement and Assessment Licensing, Training Accreditation

ORDER OF RULEMAKING

By the authority vested in the director of the Department of Health under sections 701.301 and 701.314, RSMo Supp. 1999, the director adopts a rule as follows:

19 CSR 30-70.370 Requirements for a Training Provider of a Project Designer Training Course **is adopted**.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on October 1, 1999 (24 MoReg 2473). No changes have been made in the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 19—DEPARTMENT OF HEALTH
Division 30—Division of Health Standards and Licensure
Chapter 70—Lead Abatement and Assessment Licensing, Training Accreditation

ORDER OF RULEMAKING

By the authority vested in the director of the Department of Health under sections 701.301 and 701.314, RSMo Supp. 1999, the director adopts a rule as follows:

19 CSR 30-70.380 Requirements for the Accreditation of Refresher Courses **is adopted**.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on October 1, 1999 (24 MoReg 2473–2476). No changes have been made in the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 19—DEPARTMENT OF HEALTH
Division 30—Division of Health Standards and Licensure
Chapter 70—Lead Abatement and Assessment Licensing, Training Accreditation

ORDER OF RULEMAKING

By the authority vested in the director of the Department of Health under sections 701.301 and 701.314, RSMo Supp. 1999, the director adopts a rule as follows:

19 CSR 30-70.390 Reaccreditation of a Training Course or Refresher Course **is adopted**.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on October 1, 1999 (24 MoReg 2477). No changes have been made in the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 19—DEPARTMENT OF HEALTH
Division 30—Division of Health Standards and Licensure
Chapter 70—Lead Abatement and Assessment Licensing, Training Accreditation

ORDER OF RULEMAKING

By the authority vested in the director of the Department of Health under sections 701.301 and 701.314, RSMo Supp. 1999, the director adopts a rule as follows:

19 CSR 30-70.400 Suspension, Revocation, and Restriction of Accredited Training Providers **is adopted**.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on October 1, 1999 (24 MoReg 2477–2478). No changes have been made in the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 19—DEPARTMENT OF HEALTH
Division 30—Division of Health Standards and Licensure
Chapter 70—Lead Abatement and Assessment Licensing, Training Accreditation

ORDER OF RULEMAKING

By the authority vested in the director of the Department of Health under sections 701.301, 701.312 and 701.314, RSMo Supp. 1999, the director adopts a rule as follows:

19 CSR 30-70.510 Standard of Professional Conduct **is adopted**.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on October 1, 1999 (24 MoReg 2478). No changes have been made in the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 19—DEPARTMENT OF HEALTH
Division 30—Division of Health Standards and Licensure
Chapter 70—Lead Abatement and Assessment Licensing, Training Accreditation

ORDER OF RULEMAKING

By the authority vested in the director of the Department of Health under sections 701.301, 701.312 and 701.314, RSMo Supp. 1999, the director adopts a rule as follows:

19 CSR 30-70.520 Public Complaint Handling and Disposition Procedure **is adopted**.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on October 1, 1999 (24 MoReg 2478–2481). No changes have been made in the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 19—DEPARTMENT OF HEALTH
Division 30—Division of Health Standards and Licensure
Chapter 70—Lead Abatement and Assessment Licensing, Training Accreditation

ORDER OF RULEMAKING

By the authority vested in the director of the Department of Health under sections 701.301, 701.309 and 701.312, RSMo Supp. 1999, the director adopts a rule as follows:

19 CSR 30-70.600 is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on October 1, 1999 (24 MoReg 2482–2483). The section with changes is reprinted here. This proposed rule becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: One comment was received from the Regulatory Environmental Group for Missouri.

COMMENT: The Regulatory Environmental Group for Missouri contends that the definition of "Industrial Lead Abatement" is inconsistent with rules previously discussed by the United States Environmental Protection Agency.
RESPONSE: The Department has considered this public comment but has decided to proceed with the implementation of the rule as proposed because section 701.301 provides that the Department's rules "shall be at least as protective of human health and the environment" as federal programs administered by the United States Environmental Protection Agency. Additionally, any discussions by the United States Environmental Protection Agency that were never finalized into an applicable statute or regulation does not limit the Department's authority to regulate industrial lead abatement projects.

COMMENT: The Regulatory Environmental Group for Missouri contends that the 19 CSR 30-70.640 should define what constitutes a "*de minimis* surface area" so as to qualify for exclusion from the definition of a lead abatement project, resulting in the nullification of the exemption for "insignificant projects."
RESPONSE AND EXPLANATION OF CHANGE: The Department has considered this public comment and revises the definition of "industrial lead abatement" as found in this regulation, where the revision is more appropriate, rather than revise 19 CSR 30-70.640. Therefore, this regulation is revised to create an exception for *de minimis* surface areas, which are described as surface areas "of less than 50 square feet of a lead-bearing substance per lead abatement project."

19 CSR 30-70.600 Definitions Pertaining to the Work Practice Standards for Conducting Lead-Bearing Substance Activities

(19) Industrial lead abatement—a lead abatement project performed on a structure not defined as a dwelling or child-occupied facility which includes, but is not limited to, bridges, water towers, holding tanks and other superstructures. Industrial lead abatement does not include abatement of a *de minimis* surface area of less than fifty (50) square feet of a lead-bearing substance per lead abatement project.

Title 19—DEPARTMENT OF HEALTH
Division 30—Division of Health Standards and Licensure
Chapter 70—Lead Abatement and Assessment Licensing, Training Accreditation

ORDER OF RULEMAKING

By the authority vested in the director of the Department of Health under sections 701.301, 701.312 and 701.316, RSMo Supp. 1999, the director adopts a rule as follows:

19 CSR 30-70.610 is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on October 1, 1999 (24 MoReg 2483–2484). Those sections with changes are reprinted here. This proposed rule becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The Department received a comment from Saint Louis University (SLU) School of Public Health and a comment from St. Joseph Light and Power Company (SJLP).

COMMENT: SJLP requested that the wording of the rule be amended to clarify its applicability.
RESPONSE AND EXPLANATION OF CHANGE: The Department agrees and has incorporated the recommended change.

COMMENT: SLU commented that the proposed rule language pertaining to paint chip, dust, and soil sample analysis should be revised to omit language that requires the analysis to be performed by a National Lead Laboratory Accreditation Program accredited laboratory.
RESPONSE AND EXPLANATION OF CHANGE: The Department agrees and has incorporated the recommended change.

19 CSR 30-70.610 Work Practice Standards for a Lead Inspection

PURPOSE: This rule delineates the standards to be followed by licensed lead inspectors and licensed risk assessors to conduct lead inspections in target housing and child-occupied facilities in accordance with standards set forth in sections 701.300 through 701.338, RSMo, and 19 CSR 30-70.600 through 19 CSR 30-70.630.

(5) Any paint chip, dust, or soil samples collected pursuant to these work practice standards shall be—

(B) Analyzed by a laboratory recognized by EPA pursuant to section 405(b) of TSCA as being capable of performing analyses for lead compounds in paint chip, dust, and soil samples.

Title 19—DEPARTMENT OF HEALTH
Division 30—Division of Health Standards and Licensure
Chapter 70—Lead Abatement and Assessment Licensing, Training Accreditation

ORDER OF RULEMAKING

By the authority vested in the director of the Department of Health under sections 701.301, 701.312 and 701.316, RSMo Supp. 1999, the director adopts a rule as follows:

19 CSR 30-70.620 is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on October 1, 1999 (24 MoReg 2484–2492). Those sections with changes are reprinted here. This proposed rule becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The Department received comments from Saint Louis University (SLU) School of Public Health and St. Joseph Light and Power Company (SJLP).

COMMENT: SJLP requested that the wording of the rule be amended to clarify its applicability.
RESPONSE AND EXPLANATION OF CHANGE: The Department agrees and has incorporated the recommended change.

COMMENT: SLU commented that the proposed rule language pertaining to paint chip, dust, and soil sample analysis should be revised to omit language that requires the analysis to be performed by a National Lead Laboratory Accreditation Program accredited laboratory.
RESPONSE AND EXPLANATION OF CHANGE: The Department agrees and has incorporated the recommended change.

COMMENT: SLU requests the EPA's current position on the use of composite samples during risk assessments be investigated and amend the rule as necessary.
RESPONSE: The Department has considered this public comment but has decided to proceed with the implementation of the rule as proposed because the requirement to allow composite sampling is mandated by §745.227 of the federal EPA regulations.

COMMENT: SLU requests that the rule be amended to specify window troughs when collecting composite dust samples.

RESPONSE: The Department has considered this public comment but has decided to proceed with the implementation of the rule as proposed because the Department specifies in the rule that any dust, paint and soil sampling shall be conducted using the documented methodologies referenced in section (3) of the regulation. The Department only specifies the window in general as a sampling location because the documented methodologies that are required to be followed where referenced in the regulation outline which areas of the window to sample for the presence of lead.

19 CSR 30-70.620 Work Practice Standards for a Lead Risk Assessment

PURPOSE: This rule delineates the standards to be followed by licensed risk assessors to conduct risk assessments in target housing and child-occupied facilities in accordance with standards set forth in sections 701.300 through 701.338, RSMo, and 19 CSR 30-70.600 through 19 CSR 30-70.630.

(4) Collection and Laboratory Analysis of Samples. Any paint chip, dust, or soil samples collected pursuant to these work practice standards shall be—

(B) Analyzed by a laboratory recognized by EPA pursuant to section 405(b) of TSCA as being capable of performing analyses for lead compounds in paint chip, dust, and soil samples.

Title 19—DEPARTMENT OF HEALTH
Division 30—Division of Health Standards and Licensure
Chapter 70—Lead Abatement and Assessment Licensing, Training Accreditation

ORDER OF RULEMAKING

By the authority vested in the director of the Department of Health under sections 701.301, 701.309, 701.312 and 701.316, RSMo Supp. 1999, the director adopts a rule as follows:

19 CSR 30-70.630 is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on October 1, 1999 (24 MoReg 2493–2502). Those sections with changes are reprinted here. This proposed rule becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The Department received a comment from Saint Louis University (SLU) School of Public Health and a comment from St. Joseph Light and Power Company (SJLP).

COMMENT: SJLP requested that the proposed rule be amended to clarify its applicability.

RESPONSE: The Department has considered this public comment but has decided to proceed with the implementation of the rule as proposed because the purpose statement of the rule clearly defines the applicability of the rule.

COMMENT: SLU commented that minimum requirements for replacement are too excessive for activities such as window replacement that disturb a minimal amount of lead-based paint. SLU also commented that a provision in the rule to allow alternative abatement methods after review by an administrative authority is necessary.

RESPONSE AND EXPLANATION OF CHANGE: The Department amended the proposed rule to reflect the comment for window replacement minimum standards. The proposed rule does contain a provision to allow alternative abatement methods when approved by the Department.

19 CSR 30-70.630 Lead Abatement Work Practice Standards

(9) Lead Abatement Project Requirements.

(C) Permissible Lead Abatement Project Strategies. Strategies that are permissible for lead abatement projects are as follows: replacement, enclosure, encapsulation, or removal. Any abatement strategy not specified herein shall be submitted to the Missouri Department of Health, Office of Lead Licensing and Accreditation, P.O. Box 570, Jefferson City, MO 65102-0570 for evaluation and approval prior to use.

1. Replacement.

A. Non-window component replacement. When conducting non-window component replacement, these minimum requirements shall be met—

(I) The site shall be prepared by first establishing a regulated area using fencing, barrier tape or other appropriate barriers. The regulated area shall be defined to prevent unlicensed and/or unauthorized personnel from approaching closer than twenty feet (20') to the replacement operation;

(II) Signs shall be posted at all entrances to the regulated area, and shall include the words "WARNING: LEAD AREA, POISON-NO SMOKING OR EATING" in bold lettering not smaller than two (2") inches tall with additional language prohibiting entrance to the regulated area by unauthorized personnel;

(III) Any heating and cooling systems within the regulated area shall be shut down and the vents sealed with six (6)-mil poly to prevent lead dust accumulation within the system;

(IV) All items shall be cleaned within the regulated area by HEPA vacuuming and/or wet wiping with a cleaning solution. Items shall then be removed from the area, or covered with six (6)-mil poly and sealed with duct tape;

(V) At least one layer of six (6)-mil, or thicker, poly shall be placed on the floor at the base of the component and extend at least ten feet (10') beyond the perimeter of the component to be replaced;

(VI) The component, and the area immediately adjacent to the component, shall be thoroughly wetted using a garden sprayer, airless mister, or other appropriate means to reduce airborne dust;

(VII) After removal of the component, the surface behind the removed component shall be thoroughly wetted to reduce airborne dust;

(VIII) The component shall be wrapped or bagged completely in six (6)-mil poly and sealed with duct tape to prevent loss of debris or dust; and

(IX) Prior to installing a new component, the area of replacement shall be cleaned by HEPA vacuuming. After replacement is complete, the regulated area shall be cleaned by vacuuming with a HEPA vacuum, wiping down all surfaces with a cleaning solution, rinsing all surfaces, and then HEPA vacuuming the area again.

B. Window replacement. When conducting window replacement, these minimum requirements shall be met—

(I) The site shall be prepared by first establishing a regulated area using fencing, barrier tape or other appropriate barriers. The regulated area shall be defined to prevent unlicensed and/or unauthorized personnel from approaching closer than twenty feet (20') to the replacement operation;

(II) Signs shall be posted at all entrances to the regulated area, and shall include the words "WARNING: LEAD AREA, POISON-NO SMOKING OR EATING" in bold lettering not smaller than two (2") inches tall with additional language prohibiting entrance to the regulated area by unauthorized personnel;

(III) If replacing window from the inside—

(a) Critical barrier containment shall be established covering the window on the exterior;

(b) A perimeter of five feet (5') shall be established extending from the base of the interior window to be replaced;

(c) Items within the perimeter shall be removed. Items too large to remove shall be covered with poly sheeting and sealed with duct tape and left in the perimeter; and

(d) At least one layer of six (6)-mil poly, or thicker, shall be placed on the ground and extend five feet (5') out from the base of the window;

(IV) If replacing window from the exterior—

(a) Critical barrier containment shall be established covering the window on the interior;

(b) A perimeter of five feet (5') shall be established extending from the base of the exterior window to be replaced;

(c) Items within the perimeter shall be removed. Items too large to remove shall be covered with poly sheeting and sealed with duct tape; and

(d) At least one layer of six (6)-mil poly, or thicker, shall be placed on the ground and extend five feet (5') out from the base of the window ensuring that all ground plants and shrubs in the perimeter are covered;

(V) The component, and the area immediately adjacent to the component, shall be thoroughly wetted using a garden sprayer, airless mister, or other appropriate means to reduce airborne dust;

(VI) After removal of the component, the surface behind the removed component shall be thoroughly wetted to reduce airborne dust;

(VII) The component shall be wrapped or bagged completely in six (6)-mil poly and sealed with duct tape to prevent loss of debris or dust; and

(VIII) Prior to installing a new component, the area of replacement shall be cleaned by HEPA vacuuming. After replacement is complete, the regulated area shall be cleaned by vacuuming with a HEPA vacuum, wiping down all surfaces with a cleaning solution, rinsing all surfaces, and then HEPA vacuuming the area again.

2. Enclosure. When conducting a lead abatement project using the enclosure strategy, these minimum requirements shall be met—

A. The site shall be prepared by first establishing a regulated area using fencing, barrier tape or other appropriate barriers. The regulated area shall be defined to prevent unlicensed and/or unauthorized personnel from approaching closer than twenty feet (20') to the enclosure operation;

B. Signs shall be posted at all entrances to the regulated area, and shall include the words "WARNING: LEAD AREA, POISON-NO SMOKING OR EATING" in bold lettering not smaller than two inches (2") tall with additional language prohibiting entrance to the regulated area by unauthorized personnel;

C. Any heating and cooling systems within the regulated area shall be shut down and the vents sealed with six (6)-mil poly to prevent lead dust accumulation within the system;

D. All items shall be cleaned within the regulated area by HEPA vacuuming and/or wet wiping with a cleaning solution. Items shall then be removed from the area or covered with six (6)-mil poly and sealed with duct tape;

E. At least one layer of six (6)-mil, or thicker, poly shall be placed on the floor at the base of the component and extend at least ten feet (10') beyond the perimeter of the component to be enclosed;

F. The surface to be enclosed shall be labeled (behind the enclosure), horizontally and vertically, approximately every two feet (2') with a warning, "Danger: Lead-Based Paint," in permanent ink;

G. The enclosure material shall be applied directly onto the painted surface, or a frame shall be constructed of wood or metal, using nails, staples, or screws. Glue may be used in conjunction with the aforementioned fasteners, but not alone;

H. The material used for the enclosure barrier shall be solid and rigid enough to provide adequate protection. Materials including, but not limited to, wall papers, contact paper, films, folding walls, and drapes do not meet this requirement;

I. Enclosure systems and their adhesives shall be designed to last at least twenty (20) years;

J. The substrate or building structure to which the enclosure is fastened shall be sufficient structurally to support the enclosure barrier for at least twenty (20) years. Deterioration such as mildew, water damage, dry rot, termite damage or any significant structural damage may impair the enclosure from remaining dust tight;

K. Preformed steel, aluminum, vinyl or other construction material may be used for window frames, exterior siding, trim casings, column enclosures, moldings, or other similar components if they can be sealed dust tight;

L. A material equivalent to one-fourth inch (1/4") rubber or vinyl may be used to enclose stairs;

M. The seams, edges, and fastener holes shall be sealed with caulk or other sealant, providing a dust-tight system;

N. All equipment used in the regulated area shall be thoroughly cleaned with a cleaning solution and/or vacuumed with a HEPA vacuum prior to removal from the regulated area;

O. Prior to clearance, the installed enclosure and surrounding regulated area shall be cleaned by vacuuming with a HEPA vacuum, wiping down all surfaces with a cleaning solution, rinsing all surfaces, and then HEPA vacuuming the area again. Cleaning shall begin at the end of the work area farthest from the main entrance to the area and from the top to the bottom of the regulated area; and

P. It is recommended that a visual evaluation of the enclosure's integrity be conducted and documented by the building owner or the building owner's representative at least every year or immediately after any fire, water, or structural damage. In child-occupied facilities, it is recommended that a licensed risk assessor inspect all enclosures every three (3) years, or whenever the owner's visual evaluation indicates a potential for increased lead hazard exposure.

3. Encapsulation.

A. The encapsulation strategy of lead abatement shall not be used on the following:

(I) Friction surfaces—such as window sashes and parting beads, door jambs and hinges, floors, and door thresholds;

(II) Deteriorated components—including rotten wood, rusted metal, spalled or cracked plaster, or loose masonry;

(III) Impact surfaces, such as door stops, window wells and headers;

(IV) Deteriorated surface coatings such that the adhesion or cohesion of the surface coating is uncertain or indeterminable; and

(V) Incompatible coatings.

B. When conducting a lead abatement project using the encapsulation strategy, these minimum requirements shall be met—

(I) Encapsulant selection shall be limited to those that are warranted by the manufacturer to last for at least twenty (20) years and comply with fire, health and environmental regulations;

(II) Surfaces to be encapsulated shall have sound structural integrity with no loose, chipping, peeling, or chalking paint and no dust accumulation that cannot be cleaned, and shall be prepared and applied according to the manufacturer's recommendations;

(III) The site shall be prepared by first establishing a regulated area using fencing, barrier tape or other appropriate barriers. The regulated area shall be designated as to prevent unlicensed and/or unauthorized personnel from approaching closer than twenty feet (20') to the encapsulation operation;

(IV) Signs shall be posted at all entrances to the regulated area, and shall include the words "WARNING: LEAD AREA, POISON-NO SMOKING OR EATING" in bold lettering not smaller than two inches (2") tall with additional language prohibiting entrance to the regulated area by unauthorized personnel;

(V) Any heating and cooling systems within the regulated area shall be shut down and the vents sealed with six (6)-mil poly to prevent lead dust accumulation within the system;

(VI) All items shall be cleaned within the regulated area by HEPA vacuuming and/or wet wiping with a cleaning solution. Items shall then be removed from the area, or covered with six (6)-mil poly sheeting and sealed with duct tape;

(VII) At least one layer of six (6)-mil, or thicker, poly shall be placed on the ground at the base of the component and extend at least ten feet (10') beyond the perimeter of the component to be encapsulated;

(VIII) A patch test shall be conducted prior to general application to determine the adhesive and cohesive properties of the encapsulant on the surface to be encapsulated (see the HUD Guidelines for the Evaluation and Control of Lead-Based Paint Hazards in Housing, Chapter 13);

(IX) After the manufacturer's recommended curing time, the entire encapsulated surface shall be inspected by a licensed lead abatement supervisor or a licensed project designer. Any unacceptable areas shall be evaluated to determine if a complete failure of the system is indicated, or whether the system can be patched or repaired. Unacceptable areas are evidenced by delamination, wrinkling, blistering, cracking, cratering, and bubbling of the encapsulant;

(X) After the encapsulation is complete, the regulated area shall be cleaned by vacuuming with a HEPA vacuum, wiping down all surfaces with a cleaning solution, rinsing all surfaces, and then HEPA vacuuming the area again. Cleaning shall begin at the end of the work area farthest from the main entrance to the area and from the top to the bottom of the regulated area;

(XI) All equipment used in the regulated area shall be thoroughly cleaned with a cleaning solution and/or vacuumed with a HEPA vacuum prior to removal from the regulated area; and

(XII) It is recommended that a visual evaluation of the encapsulant's integrity be conducted and documented by the building owner or the building owner's representative at least every year or immediately after any fire, water, or structural damage. In child-occupied facilities, it is recommended that a licensed risk assessor inspect all enscapsulations every three (3) years, or whenever the owner's visual evaluation indicates a potential for increased lead hazard exposure.

4. Removal.

A. Acceptable removal strategies include:

(I) Manual wet strategies—Manual wet scraping or manual wet sanding is acceptable for removal of lead surface coatings;

(II) Mechanical removal strategies—Power tools that are HEPA-shrouded or locally exhausted are acceptable removal strategies for lead surface coatings. HEPA-shrouded or exhausted mechanical abrasion devices such as sanders, saws, drills, rotopeens, vacuum blasters, and needle guns are acceptable;

(III) Chemical removal strategies—Chemical strippers shall be used in compliance with manufacturer's recommendations; and

(IV) Soil abatement—When soil abatement is conducted, the lead-bearing soil shall be removed, tilled, or permanently covered in place as indicated in the following subparts:

(a) Removed soil shall be replaced with fill material containing no more than one hundred parts per million (100 ppm) of total lead. If the fill material exceeds one hundred (100) ppm total lead, the fill material will be acceptable only if the lead solubility is less than five (5) ppm. Soil that is removed shall not be reused as topsoil in another residential yard or child-occupied facility;

(b) If tilling is selected, soil in a child-accessible area shall be tilled to a depth which results in no more than four hundred (400) ppm total lead of the homogenized soil, or other concentrations approved by the department. Soil in an area not accessible to children shall be tilled to a depth which results in no more than two thousand (2,000) ppm total lead of the homogenized soil or other concentrations approved by the department;

(c) Permanent soil coverings include solid materials such as pavement or concrete, which separate the soil from human contact. Grass, mulch and other landscaping materials are not considered permanent soil covering; and

(d) Soil abatement shall be conducted to prevent lead contaminated soil from being blown from the site and/or from being carried away by water run-off or through percolation to groundwater.

B. Interior removal. When conducting a lead abatement project using the removal strategy on interior surfaces, these minimum requirements shall be met—

(I) The site shall be prepared by first establishing a regulated area using fencing, barrier tape or other appropriate barriers. The regulated area shall be defined to prevent unlicensed and/or unauthorized personnel approaching closer than twenty feet (20') to the removal operation;

(II) Signs shall be posted at all entrances to the regulated area, and shall include the words "WARNING: LEAD AREA, POISON-NO SMOKING OR EATING" in bold lettering not smaller than two inches (2") tall with additional language prohibiting entrance to the regulated area by unauthorized personnel;

(III) Any heating and cooling systems within the regulated area shall be shut down and the vents sealed with six (6)-mil poly to prevent lead dust accumulation within the system;

(IV) All items within the regulated area shall be cleaned by HEPA vacuuming and/or wet wiping with a cleaning solution. Items shall then be removed from the area, or covered with six (6)-mil poly and sealed with duct tape;

(V) All windows below and within the regulated area shall be closed;

(VI) Critical barrier containment shall be constructed;

(VII) At least two (2) layers of six (6)-mil, or thicker, poly shall be placed on the floor at the base of the component and extend at least ten feet (10') beyond the perimeter of the component being abated (removal by the chemical strategy may require chemical resistant floor cover; follow manufacturer's recommendations);

(VIII) All equipment used in the regulated area shall be thoroughly cleaned with a cleaning solution and/or vacuumed with a HEPA vacuum prior to removal from the regulated area;

(IX) At the end of each work shift, the top layer of six (6)-mil poly shall be removed and used to wrap and contain the debris generated by the shift. The six (6)-mil poly shall then be sealed with duct tape and kept in a secured area until final disposal. The second layer of six (6)-mil poly shall be HEPA vacuumed, left in place and used during the next shift. A single layer of six (6)-mil poly shall be placed on this remaining poly before abatement resumes; and

(X) After the removal is complete, the regulated area shall be cleaned by vacuuming with a HEPA vacuum, wiping down all surfaces with a cleaning solution, rinsing all surfaces, and then HEPA vacuuming the area again. Cleaning shall begin at the end of the work area farthest from the entrance to the area and from the top to the bottom of the regulated area.

C. Exterior removal. When conducting a lead abatement project using the removal strategy on exterior surfaces, these minimum requirements shall be met—

(I) The site shall be prepared by first establishing a regulated area using fencing, barrier tape or other appropriate barriers. The regulated area shall be designated as to prevent unlicensed

and/or unauthorized personnel from approaching closer than twenty feet (20') to the removal operation;

(II) Signs shall be posted at all entrances to the regulated area, and shall include the words "WARNING: LEAD AREA, POISON-NO SMOKING OR EATING" in bold lettering not smaller than two inches (2") tall with additional language prohibiting entrance to the regulated area by unauthorized personnel;

(III) All movable items shall be moved twenty feet (20') from working surfaces. Items that cannot be readily moved twenty feet (20') from working surfaces shall be covered with six (6)-mil poly and sealed with duct tape;

(IV) At least one layer of six (6)-mil, or thicker, poly shall be placed on the ground and extend at least ten feet (10') from the abated surface plus another five feet (5') out for each additional ten feet (10') in surface height over twenty feet (20'). In addition, the poly shall—

(a) Be securely attached to the side of the building with cover provided to all ground plants and shrubs in the regulated area;

(b) Be protected from tearing or perforating;

(c) Contain any water, including rainfall, which may accumulate during the abatement; and

(d) Be weighted down to prevent disruption by wind gusts;

(V) All windows in the regulated area and all windows below and within twenty feet (20') of working surfaces shall be closed. It is recommended that the windows of adjacent structures within twenty feet (20') also be closed;

(VI) Work shall cease if constant wind speeds are greater than ten (10) miles per hour;

(VII) Work shall cease and cleanup shall occur if rain begins;

(VIII) All equipment used in the regulated area shall be thoroughly cleaned with a cleaning solution and/or vacuumed with a HEPA vacuum prior to removal from the regulated area; and

(IX) The regulated area shall be HEPA vacuumed and cleaned of lead-based paint chips, poly and other debris generated by the abatement project work at the end of each workday. Debris shall be kept in a secured area until final disposal.

Title 19—DEPARTMENT OF HEALTH
Division 30—Division of Health Standards and Licensure
Chapter 70—Lead Abatement and Assessment Licensing, Training Accreditation

ORDER OF RULEMAKING

By the authority vested in the director of the Department of Health under sections 701.301, 701.312 and 701.316, RSMo Supp. 1999, the director adopts a rule as follows:

19 CSR 30-70.640 Project Notification for Industrial Lead Abatement Projects **is adopted**.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on October 1, 1999 (24 MoReg 2503–2504). No changes have been made in the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: One comment was received consisting of several subparts from the Regulatory Environmental Group for Missouri.

COMMENT: The Regulatory Environmental Group for Missouri contends that the regulation lacks an applicability statement that clearly defines who must comply

RESPONSE: The Department has considered this public comment but has decided to proceed with the implementation of the rule as proposed because subsection (1) of this regulation states that it applies to "any person or entity conducting an industrial lead abatement project."

COMMENT: The Regulatory Environmental Group for Missouri contends that the regulation fails to define what constitutes a "de minimis surface area" so as to qualify for exclusion from the definition of a lead abatement project, resulting in the nullification of the exemption for "insignificant projects."

RESPONSE: The Department has considered this public comment and incorporated it into the definition of "industrial lead abatement" in 19 CSR 30-70.600 where it is more appropriate. The revision to 19 CSR 30-70.600 creates an exception to that definition for de minimis surface areas, which are described as surface areas "of less than 50 square feet of a lead-bearing substance per lead abatement project". No change, however, to 19 CSR 30-70.640 is necessary on the basis of this comment as this change was incorporated into 19 CSR 30-70.600.

COMMENT: The Regulatory Environmental Group for Missouri contends that section 701.304 limits the Department's regulatory authority to "dwellings" and "child-occupied facilities" and does not include industrial lead abatement projects.

RESPONSE: The Department has considered this public comment but has decided to proceed with the implementation of the rule as proposed because section 701.304 does not define the extent of the Department's authority with regard to lead-bearing substance activities. Moreover, neither "lead-bearing substance activity" nor "lead abatement project", as those terms are defined for purposes of sections 701.300 to 701.338, are limited to dwellings or child-occupied facilities.

COMMENT: The Regulatory Environmental Group for Missouri declares that the 10-day pre-notification requirement for the industrial setting is unreasonable.

RESPONSE: The Department has considered this public comment but has decided to proceed with the implementation of the rule as proposed because the requirement that the contractor submit written notification of the project at least ten days before starting the project is mandated by section 701.309.

COMMENT: The Regulatory Environmental Group for Missouri contends that there was no justification for promulgating the regulation as an emergency rule.

RESPONSE: The Department has considered this public comment but has decided to proceed with the implementation of the rule as proposed because the issue of emergency rule justification is not applicable to the final promulgation of this regulation.

Title 19—DEPARTMENT OF HEALTH
Division 60—Missouri Health Facilities Review Committee
Chapter 50—Certificate of Need Program

ORDER OF RULEMAKING

By the authority vested in the Missouri Health Facilities Review Committee under section 197.320, RSMo Supp. 1999, the committee withdraws a proposed amendment as follows:

19 CSR 60-50.300 Definitions for the Certificate of Need Process **is withdrawn**.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on December 1, 1999 (24 MoReg 2822–2823).

SUMMARY OF COMMENTS: No comments were received. This proposed amendment is being withdrawn because it will be included with another proposed amendment.

Title 20—DEPARTMENT OF INSURANCE
Division 500—Property and Casualty
Chapter 4—Rating Laws

ORDER OF RULEMAKING

By the authority vested in the director of the Department of Insurance under sections 374.045 and 379.893, RSMo Supp. 1999, the director amends a rule as follows:

20 CSR 500-4.100 is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on August 2, 1999 (24 MoReg 1950–1951). Changes have been made in the text of the proposed amendment and the section containing those changes is reprinted below. This proposed amendment becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: A public hearing was held on September 8, 1999 at 9:00 a.m. at the offices of the Department of Insurance, Harry S Truman State Office Building, Room 630, 301 W. High St., Jefferson City, Missouri. Both written and oral comments were received concerning this proposed amendment.

COMMENT: The proposed amendment is designed to implement House Bill 1080. The first portion of that bill was intended to modify the current practice of requiring that a notice be sent to the policyholder upon an assignment or transfer of a commercial policy among affiliated carriers within a holding company. Under House Bill 1080, that notice is no longer required. The second portion of the bill only requires a notice to be provided when a change in a schedule rating factor causes a premium increase upon renewal of a policy. The bill was intended to delete other consumer notice requirements which had previously been required.
RESPONSE: The department appreciates these comments.

COMMENT: First, paragraph (7)(D)2 exceeds the legislative intent of House Bill 1080. Second, paragraph (7)(D)3 should not include rating factors other than schedule rating factors. Third, the definition of rating credit and rating debit in paragraph (7)(D)4 should be limited to schedule rating factors.
RESPONSE AND EXPLANATION OF CHANGE: The department does not agree that subsection (7)(D)2 exceeds the intention of House Bill 1080, however, because Senate Bill 386 was passed during the 1998 Legislative Session, which was after this regulation was proposed, it will be necessary for the department to revisit all regulatory issues associated with commercial insurance.

As such, subsection (7)(D)2 will be withdrawn at this time so as to allow the regulation to be promulgated. Also, regarding paragraph (7)(D)2, prior to the enactment of House Bill 1080 in 1998, Regulation 20 CSR 500-4.100 directed insurers to ". . . inform the insured in writing in terms sufficiently clear and specific of the basis for any schedule debit or for any schedule credit which is applied." The department has always interpreted this requirement as applying to both the inception of a policy and upon any renewals. From the department's perspective, House Bill 1080's original language attempted to eliminate the latter notice requirement by providing that notice of a "change" in any rating system component was not required to be sent to each insured, the word "change" being interpreted to mean "change to the original schedule debits or credits made at renewal." Because neither the original version of House Bill 1080 nor the final version to which industry and the department agreed specifically addressed the issue of "new business," the department initially concluded during the drafting of the proposed amendment that the General Assembly had no problem with the "new business" notice requirement of the old regulation. However, based on the comment of House Bill 1080's sponsor that ". . . new business . . . was not intended to be part of . . . implementing regulations," as well as the insurance industry's strong opposition on the matter and the lack of any other statutory guidance on the issue, the department has decided to eliminate the proposed amendment's paragraph (7)(D)2. Regarding the second point, the department has modified paragraph (7)(D)3 by deleting the phrase " . . . including but not limited to expense credits, schedule rating factors and individual risk premium modification factors, ..." The department also modified paragraph (7)(D)3 by inserting the word "schedule" before the words "rating factor." Paragraph (7)(D)3 was then renumbered as paragraph (7)(D)2. Regarding the third point, the department inserted the word "schedule" before the words "rating credit" and before the words "rating debit" in paragraph (7)(D)4. The words "paragraph 3" in paragraph (7)(D)4 were changed to "paragraph 2." Paragraph (7)(D)4 was then renumbered as paragraph (7)(D)3.

COMMENT: First, paragraph (7)(D)2 exceeds the scope of the intention of House Bill 1080. Second, the requirement that the consumer be provided with information upon the initial issuance of the policy is unnecessary, stating that to do so would be confusing to the policyholder. Also, since these consumers are sophisticated insurance buying consumers, the notice is unnecessary. In addition, it would be costly to the insurance company to have to provide the notice. Second, the definition of schedule rating factor in paragraph (7)(D)3 is overly broad.
RESPONSE AND EXPLANATION OF CHANGE: The first comments to the proposed amendment are discussed in the response immediately above. It should also be noted that should paragraph (7)(D)2 have remained in the regulation there would have been no additional expense to an insurance company because all companies are currently required to provide this notice to all consumers. Last, the department does not believe that providing a notice of the applied scheduled rating factors could be confusing to a consumer if indeed these are sophisticated insurance purchasing consumers. Regarding the second point, the response immediately above addresses these concerns.

COMMENT: Subsection (7)(E) requiring the filing of non-A rated risk policies is burdensome. Second, the inclusion of several specific statutes listed in section (3) is unnecessary. Third, subsection (7)(B) of the current regulation was deleted from the proposed amendment.
RESPONSE AND EXPLANATION OF CHANGE: The requirement to file non-A rated risk policies is not a new requirement. The new language in the proposed amendment merely makes a cross-reference to the statutory definition of an A-rated risk. Second, it is necessary to list in a regulation all applicable statutes that pertain to the issue. Third, subsection (7)(B) was not deleted from the proposed amendment. The reason subsection (7)(B) was not included in the first printing of the proposed amendment is that the secretary of state does not publish subsections which contain no changes in proposed amendments. Since subsection (7)(B) contained no changes in the proposed amendment it was, therefore, not included in the first printing. The department has reprinted section (7) here in its entirety to clear up any confusion regarding this matter.

COMMENT: The content of MDI Bulletin # 99-02 should be followed.
RESPONSE: The department agrees.

20 CSR 500-4.100 Rate Regulatory Law Interpretations

(7) Commercial Individual Risk Premium Modification Plans and Schedule Rating Plans.

(A) Classification rates may be modified to produce rates for individual risks in accordance with rating plans which establish standards for measuring variations in hazards or expense or both. Rating plans may not allow a total credit or debit of more than twenty-five percent (25%) based on risk characteristics and not more than ten percent (10%) additional credit based on reduction of expenses.

(B) Subsection (7)(A) does not apply to experience rating plans.

(C) It shall be impermissible for affiliated insurers within a group under common management or control to shift insurance accounts among the affiliated insurers in order to circumvent the restrictions on schedule rating provided in subsection (7)(A).

(D) All debits and all credits based on individual risk characteristics, and all additional credits based on reduction of expenses shall be based on evidence that is contained in the file of the insurer at the time the debit or credit is applied.

1. Evidence supporting the basis for any rating credit or debit shall be retained by the insurer for the policy term plus two (2) calendar years, in accordance with section 374.205, RSMo.

2. Any renewal notice of a commercial casualty insurance policy as defined in section 379.882, RSMo, for any Missouri risk or portion thereof which would have the effect of increasing the premium charged to the insured due to a change in any schedule rating factor applied to the policy during the previous policy period shall contain or be accompanied by a notice to the insured containing information that any inquiry by the insured concerning the increased premium may be directed to the insurer or the insurer's agent.

3. Upon receipt of a request as described in paragraph (7)(D)2. above, the insurer, directly or through the insurer's agent, shall inform the insured in writing in terms sufficiently clear and specific of the basis for any reduction in a schedule rating credit or increase in a schedule rating debit which is applied to the policy. This response must be provided to the insured within ten (10) calendar days of the insurer or the insurer's agent receiving the request. A copy of the request from the insured and the written notice to the insured shall be contained in the file of the insurer, remaining there for not less than the duration of the policy term plus two (2) calendar years in accordance with section 374.205, RSMo.

(E) This rule does not require the filing of individual risk policies by insurance companies when those policies are rated in accordance with subdivision (1) of subsection 1 of section 379.888, RSMo.

This section may contain notice of hearings, correction notices, public information notices, rule action notices, statements of actual costs and other items required to be published in the *Missouri Register* by law.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT
Division 100—Division of Credit Unions

ACTIONS TAKEN ON APPLICATIONS FOR NEW GROUPS OR GEOGRAPHIC AREAS

Pursuant to section 370.081(4), RSMo Supp. 1999, the director of the Missouri Division of Credit Unions is required to cause notice to be published that the director has either granted or rejected applications from the following credit unions to add new groups or geographic areas publish in the November 15, 1999 *Missouri Register* (24 MoReg 2721) to their membership and state the reasons for taking these actions.

The following application has been granted. This credit union has meet the criteria applied to determine if additional groups may be included in the membership of an existing credit union and have the immediate ability to serve the proposed new groups or geographic areas. The proposed new groups or geographic areas meet the requirements established pursuant to 370.080(2), RSMo Supp. 1999.

Credit Union	Proposed New Group or Area
Central Missouri Credit Union 201 S. Holden Warrensburg, MO 64093	Lafayette, Henry, Benton & Saline Counties

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT
Division 100—Division of Credit Unions

APPLICATIONS FOR NEW GROUPS OR GEOGRAPHIC AREAS

Pursuant to section 370.081(4), RSMo Supp. 1999, the director of the Missouri Division of Credit Unions is required to cause notice to be published that the following credit unions have submitted applications to add new groups or geographic areas to their membership.

Credit Union	Proposed New Group or Geographic Area
Arsenal Credit Union 8651 Watson Road Webster Groves, MO 63119	Zip Codes 63049, 63052 and 63026

NOTICE TO SUBMIT COMMENTS: Anyone may file a written statement in support of or in opposition to any of these applications. Comments shall be filed with: Director, Division of Credit Unions, P.O. Box 1607, Jefferson City, MO 65102. To be considered, written comments must be submitted no later than ten business days after publication of this notice in the ***Missouri Register****.*

OFFICE OF ADMINISTRATION
Division of Purchasing

BID OPENINGS

Sealed Bids in one (1) copy will be received by the Division of Purchasing, Room 580, Truman Building, P.O. Box 809, Jefferson City, MO 65102, telephone (573) 751-2387 at 2:00 p.m. on dates specified below for various agencies throughout Missouri. Bids are available to download via our homepage: http://www.state.mo.us/oa/purch/purch.htm. Prospective bidders may receive specifications upon request.

B2Z00045 Long Distance: Direct Dial/Operator Services 1/14/00;
B3Z00092 Abstinence Only Education 1/14/00;
B3Z00079 Training: Multidisciplinary Core Curriculum 1/18/00;
B1Z00180 Trucks: One Ton, 4 x 4 1/18/00;
B1Z00207 Truck: One Ton, 2WD 1/18/00;
B3Z00103 Occupational Therapy Services 1/18/00;
B3Z00104 Psychologists/Psychological Services 1/18/00;
B3Z00108 Printing: Envelopes 1/18/00;
B1Z00205 Truck: One Ton with Utility Body 1/19/00;
B1Z00206 Truck: One Ton, 4 x 4 1/19/00;
B1Z00208 Truck: One Ton, 4 x 4 1/19/00;
B1Z00214 Paper, Engineering Copier 1/19/00;
B1Z00215 Janitorial Supplies 1/19/00;
B3Z00102 Ambulance Services 1/19/00;
B1Z00216 Electrical Supplies: Brookfield, Missouri 1/20/00;
B1Z00217 Electrical Supplies: Lebanon, Missouri 1/20/00;
B3Z00090 Training Services; Mental Health Professional Providers 1/20/00;
B3Z00101 Security Guard Services 1/21/00;
B1Z00209 Truck: Tandem Reefer 26' Refrig. Box 1/24/00;
B1Z00220 Tanks: Live Fish Transport 1/24/00;
B2Z00049 Pager Service (Pilot Project) 1/24/00;
B3Z00062 Case Management/Cognitive Restructing Therapy Services 1/24/00;
B3Z00068 Case Management/Co-Occurring Sub Abuse & Mental Health Disorder 1/24/00;
B3Z00063 Family Support Training Program 1/25/00;
B1Z00195 Trailers: Utility and Heavy Equipment 1/26/00;
B1Z00218 Trailers: Lowboy Fifth Wheel 1/26/00;
B3Z00084 Research Services-Tourism 1/27/00.
B3Z00040 Exhibits; Design, Construct & Install 2/14/00;
B3Z00091 Childcare Program 2/16/00;

Joyce Murphy, CPPO,
Director of Purchasing

Rule Changes Since Update to Code of State Regulations

This cumulative table gives you the latest status of rules. It contains citations of rulemakings adopted or proposed after deadline for the monthly Update Service to the *Code of State Regulations*, citations are to volume and page number in the *Missouri Register*, except for material in this issue. The first number in the table cite refers to the volume number or the publication year—23 (1998), 24 (1999) and 25 (2000). MoReg refers to *Missouri Register* and the numbers refer to a specific *Register* page, R indicates a rescission, W indicates a withdrawal, S indicates a statement of actual cost, T indicates an order terminating a rule, N.A. indicates not applicable and RUC indicates a rule under consideration.

Rule Number	Agency	Emergency	Proposed	Order	In Addition
	OFFICE OF ADMINISTRATION				
1 CSR 10	State Officials' Salary Compensation Schedule				23 MoReg 2473 24 MoReg 2535
1 CSR 10-15.010	Commissioner of Administration	This Issue	24 MoReg 2577		
1 CSR 20-5.010	Personnel Advisory Board		24 MoReg 2578		
1 CSR 20-5.015	Personnel Advisory Board		24 MoReg 2578		
1 CSR 20-5.020	Personnel Advisory Board		24 MoReg 2579		
1 CSR 20-5.025	Personnel Advisory Board		24 MoReg 2580		
	DEPARTMENT OF AGRICULTURE				
2 CSR 10-5.005	Market Development	24 MoReg 2269			
2 CSR 10-5.010	Market Development		23 MoReg 2676		
2 CSR 60-1.010	Grain Inspection and Warehousing		24 MoReg 2755		
2 CSR 60-4.011	Grain Inspection and Warehousing		24 MoReg 2755		
2 CSR 60-4.040	Grain Inspection and Warehousing		24 MoReg 2755R		
2 CSR 60-4.070	Grain Inspection and Warehousing		24 MoReg 2756		
2 CSR 60-4.110	Grain Inspection and Warehousing		24 MoReg 2756		
2 CSR 60-4.140	Grain Inspection and Warehousing		24 MoReg 2757		
2 CSR 60-4.150	Grain Inspection and Warehousing		24 MoReg 2758		
2 CSR 60-4.180	Grain Inspection and Warehousing		24 MoReg 2758		
2 CSR 60-5.010	Grain Inspection and Warehousing		24 MoReg 2759		
2 CSR 60-5.020	Grain Inspection and Warehousing		24 MoReg 2759R 24 MoReg 2759		
2 CSR 60-5.030	Grain Inspection and Warehousing		24 MoReg 2760R		
2 CSR 60-5.040	Grain Inspection and Warehousing		24 MoReg 2760		
2 CSR 60-5.050	Grain Inspection and Warehousing		24 MoReg 2760		
2 CSR 60-5.070	Grain Inspection and Warehousing		24 MoReg 2761		
2 CSR 60-5.080	Grain Inspection and Warehousing		24 MoReg 2761		
2 CSR 60-5.100	Grain Inspection and Warehousing		24 MoReg 2762		
2 CSR 60-5.120	Grain Inspection and Warehousing		24 MoReg 2763		
2 CSR 80-2.180	State Milk Board	24 MoReg 2675	24 MoReg 2764		
	DEPARTMENT OF CONSERVATION				
3 CSR 10-1.010	Conservation Commission		24 MoReg 2764		
3 CSR 10-4.115	Conservation Commission		24 MoReg 2581	25 MoReg 50	
3 CSR 10-4.116	Conservation Commission		24 MoReg 2582	25 MoReg 50	
3 CSR 10-4.125	Conservation Commission		24 MoReg 2583	25 MoReg 50	
3 CSR 10-5.205	Conservation Commission		24 MoReg 2583	25 MoReg 50	
3 CSR 10-5.210	Conservation Commission		24 MoReg 2586	25 MoReg 51	
3 CSR 10-5.215	Conservation Commission		24 MoReg 2586	25 MoReg 51	
3 CSR 10-6.405	Conservation Commission		24 MoReg 2586	25 MoReg 51	
3 CSR 10-7.405	Conservation Commission		24 MoReg 2587	25 MoReg 51	
3 CSR 10-7.455	Conservation Commission				24 MoReg 2989
3 CSR 10-8.505	Conservation Commission		24 MoReg 2587	24 MoReg 51	
	DEPARTMENT OF ECONOMIC DEVELOPMENT				
4 CSR 10-2.160	Missouri State Board of Accountancy		24 MoReg 2625		
4 CSR 40-1.021	Office of Athletics	21 MoReg 2680			
4 CSR 40-5.070	Office of Athletics	21 MoReg 1963			
4 CSR 70-2.040	State Board of Chiropractic Examiners		24 MoReg 2201	25 MoReg 51	
4 CSR 70-2.050	State Board of Chiropractic Examiners		24 MoReg 2201	25 MoReg 52	
4 CSR 70-2.070	State Board of Chiropractic Examiners		24 MoReg 2202	25 MoReg 52	
4 CSR 90-13.020	State Board of Cosmetology		23 MoReg 1952		
4 CSR 100	Division of Credit Unions				24 MoReg 2647 24 MoReg 2721 25 MoReg 116 This Issue This Issue
4 CSR 105-1.010	Credit Union Commission		24 MoReg 1829	24 MoReg 2983	
4 CSR 105-2.010	Credit Union Commission	24 MoReg 1787	24 MoReg 1833	24 MoReg 2983	
4 CSR 105-3.010	Credit Union Commission	24 MoReg 1788	24 MoReg 1839	24 MoReg 2983	
4 CSR 105-3.020	Credit Union Commission	24 MoReg 1789	24 MoReg 1839	24 MoReg 2985	
4 CSR 105-3.030	Credit Union Commission	24 MoReg 1790	24 MoReg 1839	24 MoReg 2986	
4 CSR 120-2.060	Board of Embalmers and Funeral Directors		24 MoReg 2128	24 MoReg 2986	
4 CSR 120-2.100	Board of Embalmers and Funeral Directors		24 MoReg 2129	24 MoReg 2987	
4 CSR 150-2.001	State Board of Registration for the Healing Arts		23 MoReg 2565		
4 CSR 150-2.065	State Board of Registration for the Healing Arts		23 MoReg 2566		

Rule Number	Agency	Emergency	Proposed	Order	In Addition
4 CSR 150-7.135	State Board of Registration for the Healing Arts		24 MoReg 2131	This Issue	
4 CSR 150-7.300	State Board of Registration for the Healing Arts		23 MoReg 2703		
4 CSR 150-7.310	State Board of Registration for the Healing Arts		23 MoReg 2711		
4 CSR 195-5.010	Workforce Development		24 MoReg 2314		
4 CSR 195-5.020	Workforce Development		24 MoReg 2315		
4 CSR 195-5.030	Workforce Development		24 MoReg 2318		
4 CSR 210-2.060	State Board of Optometry		22 MoReg 1443		
4 CSR 220-2.010	State Board of Pharmacy		24 MoReg 1841	24 MoReg 2837	
4 CSR 220-2.020	State Board of Pharmacy		24 MoReg 1841	24 MoReg 2837	
4 CSR 220-2.160	State Board of Pharmacy		24 MoReg 1842	24 MoReg 2837	
4 CSR 230-2.065	Board of Podiatric Medicine		24 MoReg 2202	25 MoReg 52	
4 CSR 235-1.015	State Committee of Psychologists		24 MoReg 2132	25 MoReg 52	
4 CSR 235-1.025	State Committee of Psychologists		24 MoReg 2132	25 MoReg 52	
4 CSR 235-1.026	State Committee of Psychologists		24 MoReg 2133	25 MoReg 52	
4 CSR 235-1.030	State Committee of Psychologists		24 MoReg 2134	25 MoReg 53	
4 CSR 235-1.031	State Committee of Psychologists		24 MoReg 2134	25 MoReg 53	
4 CSR 235-1.060	State Committee of Psychologists		24 MoReg 2134	25 MoReg 53	
4 CSR 235-1.063	State Committee of Psychologists		24 MoReg 2135	25 MoReg 53	
4 CSR 235-2.020	State Committee of Psychologists		24 MoReg 2135	25 MoReg 53	
4 CSR 235-2.040	State Committee of Psychologists		24 MoReg 2135	25 MoReg 53	
4 CSR 235-2.050	State Committee of Psychologists		24 MoReg 2137	25 MoReg 54	
4 CSR 235-2.060	State Committee of Psychologists		24 MoReg 2138	25 MoReg 54	
4 CSR 235-2.065	State Committee of Psychologists		24 MoReg 2139	25 MoReg 54	
4 CSR 235-2.070	State Committee of Psychologists		24 MoReg 2140	25 MoReg 54	
4 CSR 235-3.020	State Committee of Psychologists		24 MoReg 2140	25 MoReg 55	
4 CSR 235-4.030	State Committee of Psychologists		24 MoReg 2141	25 MoReg 55	
4 CSR 240-2.010	Public Service Commission		24 MoReg 2318R		
			24 MoReg 2318		
4 CSR 240-2.015	Public Service Commission		24 MoReg 2319		
4 CSR 240-2.020	Public Service Commission		24 MoReg 2142	24 MoReg 2838	
4 CSR 240-2.030	Public Service Commission		24 MoReg 2142	24 MoReg 2838	
4 CSR 240-2.040	Public Service Commission		24 MoReg 2320R		
			24 MoReg 2320		
4 CSR 240-2.050	Public Service Commission		24 MoReg 2320R		
			24 MoReg 2321		
4 CSR 240-2.060	Public Service Commission		24 MoReg 2321R		
			24 MoReg 2321		
4 CSR 240-2.065	Public Service Commission		24 MoReg 2324R		
			24 MoReg 2324		
4 CSR 240-2.070	Public Service Commission		24 MoReg 2325R		
			24 MoReg 2325		
4 CSR 240-2.075	Public Service Commission		24 MoReg 2326R		
			24 MoReg 2326		
4 CSR 240-2.080	Public Service Commission		24 MoReg 2327R		
			24 MoReg 2327		
4 CSR 240-2.085	Public Service Commission		24 MoReg 2328		
4 CSR 240-2.090	Public Service Commission		24 MoReg 2329R		
			24 MoReg 2329		
4 CSR 240-2.100	Public Service Commission		24 MoReg 2330R		
			24 MoReg 2330		
4 CSR 240-2.110	Public Service Commission		24 MoReg 2330R		
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4 CSR 240-2.115	Public Service Commission		24 MoReg 2331R		
			24 MoReg 2332		
4 CSR 240-2.116	Public Service Commission		24 MoReg 2332R		
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4 CSR 240-2.120	Public Service Commission		24 MoReg 2333R		
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4 CSR 240-2.125	Public Service Commission		24 MoReg 2333R		
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4 CSR 240-2.130	Public Service Commission		24 MoReg 2334R		
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4 CSR 240-2.140	Public Service Commission		24 MoReg 2336R		
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4 CSR 240-2.150	Public Service Commission		24 MoReg 2336R		
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4 CSR 240-2.160	Public Service Commission		24 MoReg 2337R		
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4 CSR 240-2.170	Public Service Commission		24 MoReg 2338R		
4 CSR 240-2.180	Public Service Commission		24 MoReg 2338R		
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4 CSR 240-2.200	Public Service Commission		24 MoReg 2339R		
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4 CSR 240-18.010	Public Service Commission		24 MoReg 2340	This Issue	
4 CSR 240-20.015	Public Service Commission		24 MoReg 1340	25 MoReg 55	
4 CSR 240-32.110	Public Service Commission		24 MoReg 2341		
4 CSR 240-32.120	Public Service Commission		24 MoReg 2344		
4 CSR 240-33.010	Public Service Commission		24 MoReg 2347R		
			24 MoReg 2347		
4 CSR 240-33.020	Public Service Commission		24 MoReg 2347R		
			24 MoReg 2348		
4 CSR 240-33.040	Public Service Commission		24 MoReg 2351R		
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4 CSR 240-33.050	Public Service Commission		24 MoReg 2355R 24 MoReg 2355		
4 CSR 240-33.060	Public Service Commission		24 MoReg 2359R 24 MoReg 2359		
4 CSR 240-33.070	Public Service Commission		24 MoReg 2362R 24 MoReg 2362		
4 CSR 240-33.080	Public Service Commission		24 MoReg 2367R 24 MoReg 2367		
4 CSR 240-33.090	Public Service Commission		24 MoReg 2371R 24 MoReg 2371		
4 CSR 240-33.100	Public Service Commission		24 MoReg 2371R 24 MoReg 2372		
4 CSR 240-33.110	Public Service Commission		24 MoReg 2372R 24 MoReg 2372		
4 CSR 240-33.120	Public Service Commission		24 MoReg 2373		
4 CSR 240-33.130	Public Service Commission		24 MoReg 2376		
4 CSR 240-33.140	Public Service Commission		24 MoReg 2376		
4 CSR 240-33.150	Public Service Commission	24 MoReg 2747T			
4 CSR 240-40.015	Public Service Commission		24 MoReg 1346	25 MoReg 59	
4 CSR 240-40.016	Public Service Commission		24 MoReg 1352	25 MoReg 63	
4 CSR 240-80.015	Public Service Commission		24 MoReg 1359	25 MoReg 69	
4 CSR 263-3.140	Licensed Clinical Social Workers		24 MoReg 2143	24 MoReg 2987	
4 CSR 265-10.025	Division of Motor Carrier and Railroad Safety		24 MoReg 2203		
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5 CSR 30-345.020	Division of School Services		24 MoReg 2627		
5 CSR 30-345.030	Division of School Services		24 MoReg 2628		
5 CSR 50-270.050	Division of Instruction		24 MoReg 877		
5 CSR 60-100.010	Vocational and Adult Education		N.A.	24 MoReg 2838	
5 CSR 60-120.010	Vocational and Adult Education		N.A.	24 MoReg 2841	
5 CSR 80-800.290	Urban and Teacher Education	24 MoReg 2123	24 MoReg 2143	25 MoReg 73	
	DEPARTMENT OF HIGHER EDUCATION				
6 CSR 10-2.100	Commissioner of Higher Education		24 MoReg 1650	24 MoReg 2843	
	DEPARTMENT OF TRANSPORTATION				
7 CSR 10-2.010	Highways and Transportation Commission		24 MoReg 1367R 24 MoReg 1367 24 MoReg 2919R 24 MoReg 2919	24 MoReg 2940R 24 MoReg 2940	
7 CSR 10-6.010	Highways and Transportation Commission		24 MoReg 765 24 MoReg 2377		
7 CSR 10-6.015	Highways and Transportation Commission		24 MoReg 766 24 MoReg 2378		
7 CSR 10-6.040	Highways and Transportation Commission		24 MoReg 767 24 MoReg 2379		
7 CSR 10-6.050	Highways and Transportation Commission		24 MoReg 768 24 MoReg 2381		
7 CSR 10-6.060	Highways and Transportation Commission		24 MoReg 769 24 MoReg 2381		
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7 CSR 10-6.085	Highways and Transportation Commission		24 MoReg 773 24 MoReg 2385		
7 CSR 10-10.010	Highways and Transportation Commission	24 MoReg 2932	24 MoReg 2956		
7 CSR 10-10.040	Highways and Transportation Commission	24 MoReg 2933	24 MoReg 2957		
7 CSR 10-10.050	Highways and Transportation Commission	24 MoReg 2933	24 MoReg 2957		
7 CSR 10-10.070	Highways and Transportation Commission	24 MoReg 2934	24 MoReg 2958		
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8 CSR 60-3.040	Commission on Human Rights	24 MoReg 2565	24 MoReg 2588 This IssueT		
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9 CSR 10-7.010	Director, Department of Mental Health				24 MoReg 2875RUC
9 CSR 10-7.020	Director, Department of Mental Health				24 MoReg 2877RUC
9 CSR 10-7.030	Director, Department of Mental Health				24 MoReg 2879RUC
9 CSR 10-7.040	Director, Department of Mental Health				24 MoReg 2881RUC
9 CSR 10-7.050	Director, Department of Mental Health				24 MoReg 2881RUC
9 CSR 10-7.060	Director, Department of Mental Health				24 MoReg 2883RUC
9 CSR 10-7.070	Director, Department of Mental Health				24 MoReg 2884RUC
9 CSR 10-7.080	Director, Department of Mental Health				24 MoReg 2885RUC
9 CSR 10-7.090	Director, Department of Mental Health				24 MoReg 2886RUC
9 CSR 10-7.100	Director, Department of Mental Health				24 MoReg 2887RUC
9 CSR 10-7.110	Director, Department of Mental Health				24 MoReg 2887RUC
9 CSR 10-7.120	Director, Department of Mental Health				24 MoReg 2890RUC
9 CSR 10-7.130	Director, Department of Mental Health				24 MoReg 2891RUC
9 CSR 25-4.040	Fiscal Management		24 MoReg 2386		
9 CSR 30-4.030	Certification Standards	24 MoReg 2191	24 MoReg 2215	25 MoReg 73	
9 CSR 30-4.034	Certification Standards	24 MoReg 2193	24 MoReg 2216	25 MoReg 74	
9 CSR 30-4.035	Certification Standards	24 MoReg 2194	24 MoReg 2217	25 MoReg 74	

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9 CSR 30-4.039	Certification Standards	24 MoReg 2195	24 MoReg 2219	25 MoReg 74	
9 CSR 30-4.042	Certification Standards	24 MoReg 2197	24 MoReg 2220	25 MoReg 75	
9 CSR 30-4.043	Certification Standards	24 MoReg 2199	24 MoReg 2222	25 MoReg 75	
9 CSR 45-5.040	Mental Retardation and Developmental Disabilities		24 MoReg 2389		
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10 CSR					24 MoReg 1693
10 CSR 10-2.010	Air Conservation Commission				24 MoReg 420
10 CSR 10-2.060	Air Conservation Commission		24 MoReg 2588R		
10 CSR 10-3.080	Air Conservation Commission		24 MoReg 2588R		
10 CSR 10-4.060	Air Conservation Commission		24 MoReg 2589R		
10 CSR 10-5.070	Air Conservation Commission		24 MoReg 2224		
10 CSR 10-5.090	Air Conservation Commission		24 MoReg 2589R		
10 CSR 10-5.295	Air Conservation Commission		24 MoReg 2001	25 MoReg 76	
10 CSR 10-5.380	Air Conservation Commission	24 MoReg 2935	25 MoReg 14		
10 CSR 10-5.446	Air Conservation Commission		24 MoReg 19		
10 CSR 10-5.490	Air Conservation Commission		24 MoReg 2680		
10 CSR 10-5.500	Air Conservation Commission		24 MoReg 2007	25 MoReg 81	
10 CSR 10-5.510	Air Conservation Commission		24 MoReg 2012	25 MoReg 82	
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10 CSR 10-5.550	Air Conservation Commission		24 MoReg 2041	25 MoReg 109	
10 CSR 10-6.020	Air Conservation Commission		24 MoReg 2629		
10 CSR 10-6.065	Air Conservation Commission		24 MoReg 2630		
10 CSR 10-6.070	Air Conservation Commission		24 MoReg 2226		
10 CSR 10-6.075	Air Conservation Commission		24 MoReg 2226		
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10 CSR 20-11.092	Clean Water Commission		24 MoReg 1058		
10 CSR 20-12.010	Clean Water Commission		24 MoReg 1058R		
10 CSR 20-12.020	Clean Water Commission		24 MoReg 1059R		
10 CSR 20-12.025	Clean Water Commission		24 MoReg 1059R		
10 CSR 20-12.030	Clean Water Commission		24 MoReg 1059R		
10 CSR 20-12.040	Clean Water Commission		24 MoReg 1060R		
10 CSR 20-12.045	Clean Water Commission		24 MoReg 1060R		
10 CSR 20-12.050	Clean Water Commission		24 MoReg 1061R		
10 CSR 20-12.060	Clean Water Commission		24 MoReg 1061R		
10 CSR 20-12.061	Clean Water Commission		24 MoReg 1061R		
10 CSR 20-12.062	Clean Water Commission		24 MoReg 1062R		
10 CSR 20-12.070	Clean Water Commission		24 MoReg 1062R		
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10 CSR 20-13.080	Clean Water Commission		24 MoReg 1239R 24 MoReg 1239		
10 CSR 45-1.010	Metallic Minerals		24 MoReg 2049		
10 CSR 45-2.010	Metallic Minerals		24 MoReg 2049		
10 CSR 45-3.010	Metallic Minerals		24 MoReg 1258R 24 MoReg 1258		
10 CSR 45-6.010	Metallic Minerals		24 MoReg 2049		
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10 CSR 45-6.030	Metallic Minerals		24 MoReg 2050		
10 CSR 60-2.015	Public Drinking Water Program		This Issue		
10 CSR 60-3.010	Public Drinking Water Program	24 MoReg 2365	24 MoReg 1852		
10 CSR 60-3.020	Public Drinking Water Program	24 MoReg 2567	24 MoReg 1854		
10 CSR 60-3.030	Public Drinking Water Program	24 MoReg 2568	24 MoReg 1863		
10 CSR 60-4.010	Public Drinking Water Program		This Issue		
10 CSR 60-4.050	Public Drinking Water Program		This Issue		
10 CSR 60-4.055	Public Drinking Water Program		This Issue		
10 CSR 60-4.090	Public Drinking Water Program		This Issue		
10 CSR 60-5.010	Public Drinking Water Program		24 MoReg 1870		
10 CSR 60-5.020	Public Drinking Water Program		This Issue		
10 CSR 60-6.010	Public Drinking Water Program		24 MoReg 1878		
10 CSR 60-6.020	Public Drinking Water Program		24 MoReg 1880		
10 CSR 60-6.030	Public Drinking Water Program		24 MoReg 1886		
10 CSR 60-6.070	Public Drinking Water Program		24 MoReg 1887		
10 CSR 60-7.010	Public Drinking Water Program		This Issue		
10 CSR 60-8.010	Public Drinking Water Program		This Issue		
10 CSR 60-8.030	Public Drinking Water Program		24 MoReg 1899		
10 CSR 70-5.060	Soil and Water Districts Commission				23 MoReg 2267S
10 CSR 80-9.040	Solid Waste Management		This Issue		

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11 CSR 45-9.030	Missouri Gaming Commission		24 MoReg 1652 24 MoReg 2765	24 MoReg 2843	
11 CSR 45-10.150	Missouri Gaming Commission	24 MoReg 2936	24 MoReg 2961		
11 CSR 45-13.055	Missouri Gaming Commission	24 MoReg 2124	24 MoReg 2144		
11 CSR 45-30.180	Missouri Gaming Commission		24 MoReg 2768		
11 CSR 45-30.190	Missouri Gaming Commission		24 MoReg 2768		
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11 CSR 45-30.220	Missouri Gaming Commission		24 MoReg 2769		
11 CSR 45-30.280	Missouri Gaming Commission		24 MoReg 2769		
11 CSR 45-30.370	Missouri Gaming Commission		24 MoReg 2769		
11 CSR 50-2.350	Missouri State Highway Patrol	24 MoReg 2747R	24 MoReg 2770R		
11 CSR 50-2.360	Missouri State Highway Patrol	24 MoReg 2747R	24 MoReg 2770R		
11 CSR 50-2.370	Missouri State Highway Patrol	24 MoReg 2748R	24 MoReg 2771R		
11 CSR 50-2.380	Missouri State Highway Patrol	24 MoReg 2748R	24 MoReg 2771R		
11 CSR 50-2.390	Missouri State Highway Patrol	24 MoReg 2749R	24 MoReg 2771R		
11 CSR 50-2.401	Missouri State Highway Patrol	24 MoReg 2749R	24 MoReg 2772R		
11 CSR 50-2.402	Missouri State Highway Patrol	24 MoReg 2749R	24 MoReg 2772R		
11 CSR 50-2.403	Missouri State Highway Patrol	24 MoReg 2750R	24 MoReg 2772R		
11 CSR 50-2.404	Missouri State Highway Patrol	24 MoReg 2750R	24 MoReg 2772R		
11 CSR 50-2.405	Missouri State Highway Patrol	24 MoReg 2750R	24 MoReg 2773R		
11 CSR 50-2.406	Missouri State Highway Patrol	24 MoReg 2751R	24 MoReg 2773R		
11 CSR 50-2.407	Missouri State Highway Patrol	24 MoReg 2751R	24 MoReg 2773R		
11 CSR 50-2.410	Missouri State Highway Patrol	24 MoReg 2751R	24 MoReg 2773R		
11 CSR 50-2.420	Missouri State Highway Patrol	24 MoReg 2752R	24 MoReg 2774R		
11 CSR 60-1.070	Division of Highway Safety		25 MoReg 18		
11 CSR 70-2.190	Division of Liquor Control		24 MoReg 2390		
11 CSR 75-3.010	Peace Officer Standards and Training		24 MoReg 2963		
11 CSR 75-3.020	Peace Officer Standards and Training		24 MoReg 2963		
11 CSR 75-3.030	Peace Officer Standards and Training		24 MoReg 2963		
11 CSR 75-3.050	Peace Officer Standards and Training		24 MoReg 2967		
11 CSR 75-3.060	Peace Officer Standards and Training		24 MoReg 2967		
11 CSR 75-3.070	Peace Officer Standards and Training		24 MoReg 2968		
11 CSR 75-3.080	Peace Officer Standards and Training		24 MoReg 2968		
11 CSR 75-10.010	Peace Officer Standards and Training		24 MoReg 2969		
11 CSR 75-10.020	Peace Officer Standards and Training		24 MoReg 2969		
11 CSR 75-10.030	Peace Officer Standards and Training		24 MoReg 2969		
11 CSR 75-10.040	Peace Officer Standards and Training		24 MoReg 2970		
11 CSR 75-10.050	Peace Officer Standards and Training		24 MoReg 2970		
11 CSR 75-10.060	Peace Officer Standards and Training		24 MoReg 2970		
11 CSR 75-10.090	Peace Officer Standards and Training		24 MoReg 2971R		
11 CSR 75-10.100	Peace Officer Standards and Training		24 MoReg 2971		
11 CSR 75-11.040	Peace Officer Standards and Training	24 MoReg 2937	24 MoReg 2972		
11 CSR 80-5.010	Missouri State Water Patrol		24 MoReg 2774		
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12 CSR	Construction Transient Employers				24 MoReg 2087
12 CSR 10-2.015	Director of Revenue	25 MoReg 5	25 MoReg 18		
12 CSR 10-2.240	Director of Revenue		24 MoReg 2632		
12 CSR 10-3.003	Director of Revenue		24 MoReg 2051R	24 MoReg 2845R	
12 CSR 10-3.056	Director of Revenue		24 MoReg 2051R	24 MoReg 2845R	
12 CSR 10-3.106	Director of Revenue		24 MoReg 2051R	24 MoReg 2845R	
12 CSR 10-3.108	Director of Revenue		24 MoReg 2051R	24 MoReg 2845R	
12 CSR 10-3.316	Director of Revenue		24 MoReg 2052R	24 MoReg 2846R	
12 CSR 10-3.318	Director of Revenue		24 MoReg 2052R	24 MoReg 2846R	
12 CSR 10-3.320	Director of Revenue		24 MoReg 2052R	24 MoReg 2846R	
12 CSR 10-3.324	Director of Revenue		24 MoReg 2052R	24 MoReg 2846R	
12 CSR 10-3.326	Director of Revenue		24 MoReg 2053R	24 MoReg 2846R	
12 CSR 10-3.327	Director of Revenue		24 MoReg 2053R	24 MoReg 2846R	
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12 CSR 10-4.295	Director of Revenue		24 MoReg 2053R	24 MoReg 2847R	
12 CSR 10-5.015	Director of Revenue		24 MoReg 2973R		
12 CSR 10-5.020	Director of Revenue		24 MoReg 2973R		
12 CSR 10-5.035	Director of Revenue		24 MoReg 2974R		
12 CSR 10-5.105	Director of Revenue		24 MoReg 2974R		
12 CSR 10-5.520	Director of Revenue		24 MoReg 2974R		
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12 CSR 10-11.220	Director of Revenue		24 MoReg 2976R		
12 CSR 10-11.230	Director of Revenue		24 MoReg 2976R		
12 CSR 10-23.446	Director of Revenue	24 MoReg 2270	24 MoReg 2391	This Issue	
12 CSR 10-23.450	Director of Revenue		24 MoReg 2775		

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12 CSR 10-24.430	Director of Revenue		24 MoReg 2391		This Issue
12 CSR 10-26.010	Director of Revenue		24 MoReg 2776		
12 CSR 10-26.020	Director of Revenue		24 MoReg 2779		
12 CSR 10-26.030	Director of Revenue		24 MoReg 2781		
12 CSR 10-26.040	Director of Revenue		24 MoReg 2784		
12 CSR 10-26.050	Director of Revenue		24 MoReg 2787		
12 CSR 10-26.060	Director of Revenue		24 MoReg 2789		
12 CSR 10-26.070	Director of Revenue		24 MoReg 2791		
12 CSR 10-26.080	Director of Revenue		24 MoReg 2793		
12 CSR 10-26.090	Director of Revenue		24 MoReg 2795		
12 CSR 10-26.100	Director of Revenue		24 MoReg 2797		
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12 CSR 10-101.500	Director of Revenue		25 MoReg 19		
12 CSR 10-103.360	Director of Revenue		24 MoReg 2977		
12 CSR 10-103.390	Director of Revenue		24 MoReg 2978		
12 CSR 10-103.500	Director of Revenue		24 MoReg 2979		
12 CSR 10-109.050	Director of Revenue		24 MoReg 2980		
12 CSR 10-110.900	Director of Revenue		25 MoReg 20		
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12 CSR 30-1.030	State Tax Commission		24 MoReg 2695		
12 CSR 30-2.017	State Tax Commission		24 MoReg 2696		
12 CSR 30-2.018	State Tax Commission		24 MoReg 2702		
12 CSR 30-3.085	State Tax Commission		24 MoReg 2054	24 MoReg 2847	
12 CSR 60-1.010	Motor Vehicle Commission		24 MoReg 2702R		
12 CSR 60-1.020	Motor Vehicle Commission		24 MoReg 2702R		
12 CSR 60-1.030	Motor Vehicle Commission		24 MoReg 2702R		
12 CSR 60-1.040	Motor Vehicle Commission		24 MoReg 2703R		
12 CSR 60-1.050	Motor Vehicle Commission		24 MoReg 2703R		
12 CSR 60-1.060	Motor Vehicle Commission		24 MoReg 2703R		
12 CSR 60-2.010	Motor Vehicle Commission		24 MoReg 2704R		
12 CSR 60-2.020	Motor Vehicle Commission		24 MoReg 2704R		
12 CSR 60-2.030	Motor Vehicle Commission		24 MoReg 2704R		
12 CSR 60-2.040	Motor Vehicle Commission		24 MoReg 2704R		
12 CSR 60-2.050	Motor Vehicle Commission		24 MoReg 2705R		
12 CSR 60-2.060	Motor Vehicle Commission		24 MoReg 2705R		
12 CSR 60-2.070	Motor Vehicle Commission		24 MoReg 2705R		
12 CSR 60-2.080	Motor Vehicle Commission		24 MoReg 2705R		
12 CSR 60-2.090	Motor Vehicle Commission		24 MoReg 2706R		
12 CSR 60-2.100	Motor Vehicle Commission		24 MoReg 2706R		
12 CSR 60-2.110	Motor Vehicle Commission		24 MoReg 2706R		
12 CSR 60-2.120	Motor Vehicle Commission		24 MoReg 2706R		
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12 CSR 60-2.150	Motor Vehicle Commission		24 MoReg 2707R		
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12 CSR 60-4.080	Motor Vehicle Commission		24 MoReg 2710R		
12 CSR 60-5.010	Motor Vehicle Commission		24 MoReg 2711R		
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13 CSR 15-14.022	Division of Aging	24 MoReg 1474	24 MoReg 2054	24 MoReg 2847	
13 CSR 40-2.300	Division of Family Services	23 MoReg 2133T			
13 CSR 40-2.305	Division of Family Services	23 MoReg 2133T			
13 CSR 40-2.310	Division of Family Services	23 MoReg 2133T			
13 CSR 40-2.315	Division of Family Services	23 MoReg 2133T			
13 CSR 40-2.320	Division of Family Services	23 MoReg 2134T			
13 CSR 40-2.325	Division of Family Services	23 MoReg 2134T			
13 CSR 40-2.330	Division of Family Services	23 MoReg 2134T			
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13 CSR 40-2.340	Division of Family Services	23 MoReg 2134T			
13 CSR 40-2.345	Division of Family Services	23 MoReg 2134T			
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